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NATURAL EQUALITY AND RIGHT IN HOBBES: THE IMPLICATIONS OF PRIVATE JUDGEMENT

by

MARGARET OGRODNICK

(C)

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

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Supervisor

Date December 21, 1984

ABSTRACT

The aim of this study is to explicate Thomas Hobbes' postulate of natural equality among men, as the point from which his theory of natural right and political authority derives. Its major claim is that this equality consists in an equal capacity for private judgement. By this it is meant that each person has an equal capacity to define his good and to calculate how it may best be achieved.

Equality in Hobbes has conventionally been interpreted as a physical equality in vulnerability to death. This thesis argues that to thus by-pass Hobbes' theory of human psychology is to omit something which is instrumental to his political arguments. For the equal mental faculty identified in the capacity for private judgement underlies Hobbes' Right of Nature, his consent theory of political authority, and his justification for the absolute authorization of the Sovereign Power.

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CHAPTER I

INTRODUCTION

This study argues that equality is a central theme in the political works of Thomas Hobbes. My aim will be to explicate Hobbes' postulate of natural equality, as the point from which his theory of natural right and political rule derives. My major claim is that this postulate is based in men's[1] equal capacity for private judgement, specifically, in the equality of each person's capacity to judge his own good. From this equality follows the Right of Nature and Hobbes' consent theory of political authority. In this chapter I will amplify what I mean by this claim and explain why I consider it significant in Hobbes' political philosophy.

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1. Not unavoidably, but as a matter of convenience, my language in this thesis duplicates Hobbes' use of the male gender in referring to persons. I assume his use of masculine terms stemmed from the normal linguistic practises of his time, and not from the exclusion of women from his theory of human nature and politics. As he himself puts it, in a rare reference to women:

> And whereas some have attributed the Dominion to the Man onely, as being of the more excellent Sex; they misreckon in it. For there is not always that difference of strength or prudence between the man and the woman, as that the right can be determined without War.

(Thomas Hobbes, Leviathan, ed. by C. B. Macpherson [Harmondsworth, Middlesex: Penguin Books, 1968], XX.253. References to Leviathan are cited by chapter and page.)

I.1 The Equal Capacity for Private Judgement

Virtually everyone agrees that equality is a central notion in Hobbes' political works. At issue, however, is the way this equality is understood. Conventionally, it has been interpreted physically, as an equal vulnerability to death. By interpreting it as a physical equality, Hobbes' psychological premises are by-passed. This is consistent with a tradition of scholarship which rejects Hobbes precisely on his theory of human psychology. To salvage his political theory, it is read independently of his psychological premises.[2] Most recently, the detachment of Hobbes' political theory from his account of human nature is evidenced in F. S. McNeilly's book, The Anatomy of 'Leviathan'. McNeilly claims there is a development in Hobbes' thinking between his two earlier works and Leviathan. In The Elements of Law and The Citizen, he shows that Hobbes bases his political conclusions on certain propositions about the specific nature

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2. As C. B. Macpherson describes, much of the critical literature on Hobbes drives a wedge between his psychological premises and his political theory. (The Political Theory of Possessive Individualism [Oxford: Oxford University Press, 1962], 10, 11). This mode of reading Hobbes originates with A. E. Taylor and H. Warrender, who interpret Hobbes' theory of political obligation apart from his postulates of human nature. Taylor argues that Hobbes' theory of obligation is a theory of duty for its own sake ("The Ethical Doctrine of Hobbes", Philosophy xiii, 1938). In Warrender's interpretation, the ground of political obligation is the will or command of God, which is stated in the Laws of Nature. (The Political Philosophy of Hobbes [Oxford: The Clarendon Press, 1957])

of persons. In Leviathan, though this view of human nature is still in evidence, McNeilly argues that it seldom enters into Hobbes' political analysis. This analysis proceeds, instead, from the definition of a formal system of concepts, such as 'endeavour', 'good', 'hope', and so on. Through this system Hobbes develops a set of propositions about the process of rational deliberation at the individual and social level, which is independent of any particular characterization of human nature.[3] Consistent with this interpretation, McNeilly claims that Hobbes' arguments on equality do not refer to any particular features of persons. They instead offer a calculation of each person's security from violence in the natural condition.[4]

In my view, to by-pass Hobbes' theory of human psychology and interpret men's equality as an equal vulnerability to death omits something which is instrumental to Hobbes' political arguments. As one measure of this, it will be shown that the Right of Nature cannot be derived if this is all there is to men's equality. I shall argue that what is omitted is men's equal capacity for private judgement. By this it is meant that each person has an equal capacity to define his good and to calculate how it may best be achieved. The justification for attributing this equality

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3. F. S. McNeilly, The Anatomy of 'Leviathan' (London: Macmillan, 1968), 4, 5.

4. Ibid., 165.

to men lies in their passions and reason. Hobbes argues that good and evil are defined by men in relation to their passions: "that which provokes an appetite is called good, that which causes an aversion is called evil."[5] If the definition of good and evil is tied to each person's passions, then each person himself automatically becomes the one best able to know his good, as the one experiencing the passions. By an equality in reason[6] each person must be considered equal in the capacity to discern how what he calls good may best be attained.

From this equal capacity for private judgement, Hobbes' political theory may be deduced. For it underlies his Right of Nature, his consent theory of political authority, and his theory of absolute authorization. With each person equally able to make judgements concerning the definition and procurement of his good, the Right of Nature is derived as the liberty of each to judge how he may best employ his powers for the preservation of his own life and nature. If there is no other person better able to know one's good than oneself, then the rule of subjects must be based on their own consent and not by the supposed superior wisdom of the rulers. Rule is justified by men's judgement that the creation of a political authority is conducive to their good. The subjects' authorization of this Sovereign Power must be

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5. Leviathan, VI.120.

6. Leviathan, V.116.

absolute, if the problems engendered by the reign of private judgement in the natural condition are not to be reintroduced into civil society, by permitting individuals to judge and dispute civil affairs. Thus, the derivation of natural right, the legitimization of the consent theory of political authority, and the justification for absolute authorization are all traceable to the equality in men's capacity for private judgement.

I.2 Psychology and Hobbes' Political Theory

Commentators have tended to explicate Hobbes' political theory independently of his account of human nature because his psychological premises are judged untenable. He is attributed with an overly dim and inaccurate view of human nature. McNeilly, for instance, describes Hobbes' theory of human psychology as "doubtful", "confused" and "distorted".[7]

If I have chosen to support Hobbes in the connection between his political theory and his psychological postulates, it is because I attach some credibility to the latter. This thesis does not deal with the totality of Hobbes' theory of human nature. I do not address the egoism often attributed to Hobbes. Nor do I consider extensively his trio of competitiveness, diffidence and vainglory, which have sometimes provoked such strong objections from his readers. I

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7. McNeilly, 5.

address his psychological postulates in relation to his theory of natural equality. I judge that this aspect of his theory of human nature merits serious attention because the equality of judgement in which I argue it is grounded is one worthy of defense. If there is any liberal postulate worthy of defending, in my view, it is the premise that each individual is the most capable of judging what constitutes his good. Thus, in opposition to the frequent characterization of Hobbes' view on human nature as an entirely negative and therefore mistaken one, behind my interest in explicating his theory of equality is the contention that his theory of human nature does have a defensible, and positive, attribute.

In maintaining the deduction of Hobbes' political theory from his psychological premises, I read Hobbes more in the tradition of Professors Gauthier and Macpherson who, despite their clear differences, insist upon the importance of Hobbes' psychology to his political theory. My analysis differs, however, in those aspects of Hobbes' psychological theory I address and in what significance I assign to them.

In The Logic of Leviathan, Gauthier proceeds from the premise that "Hobbes' psychology is essential to his moral and political theories".[8] In the course of the book, however, he argues that Hobbes' political theory is wrong because his account of human nature is unsound. Hobbes' view of men as

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8. David Gauthier, The Logic of Leviathan (Oxford: Oxford University Press, 1969), p. 1.

egoistic and intractable leads him to propound an absolute theory of authorization, which Gauthier argues could have been limited if Hobbes did not have such a gloomy and mistaken understanding of human nature.[9] I do not address the same elements of Hobbes'psychology that Gauthier does. Based on my assessment of the tenability of the equal capacity for private judgement I describe, however, I differ from Gauthier in concluding that Hobbes' political theory is an inappropriate response to the problems created by the psychology of men. Thus, though Gauthier dismisses the need for absolute government as an overstatement, on my interpretation the problem of limiting authorization is a legitimate one.

Though Macpherson does not credit Hobbes' psychological postulates with universal validity, he argues that they accurately depict individuals in a possessive market society. Moreover, he claims that Hobbes' solution to the problem of these possessive individuals is a logical one, the solution being that men acknowledge obligation to an "all-powerful sovereign body".[10] While I agree with Macpherson in the appropriateness of Hobbes' political response to his characterization of human nature, I disagree with him in supposing that the political problems posed by Hobbes' account of human nature are limited to possessive market societies.

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9. Ibid., 168-173.

10. Macpherson, 100.

Hobbes' writings merit interest, in my view, because they pose a universal problem of the liberty of individual judgement in a social setting. There is a tension between the equal capacity of men to judge, and the unfortunate ramifications when the liberty of this judgement is unfettered by political authority.

I.3 Physical and Mental Equalities

Although my thesis fits into a tradition of critical literature addressing the relationship between Hobbes' psychological postulates and his political theory, his postulate of natural equality itself has not been extensively discussed. In backing up his claim of natural equality, Hobbes relies upon two lines of argument, one proving equal vulnerability to death, the other establishing equal mental capacities. With one exception, those commentators who do address natural equality simply refer to Hobbes' argument on equal vulnerability to death. As already stated, McNeilly claims Hobbes' arguments on equality refer to an equal lack of security from violence in the natural condition.[11] Gauther presents "the essential equality of all men" as their equal ability to kill each other.[12] While Macpherson cites passages from Hobbes referring to an equality in both physical and

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11. McNeilly, 165.

12. Gauthier, 15.

mental capacities, he does not characterize these mental capacities, apart from their contribution to the equal ability to kill.[13]

W. Mathie is the one exception in carefully addressing the question of equal mental faculties. He argues that Hobbes' statements on equality in wisdom and his attribution of equal right to men are intended to refute the Aristotelian claim that rule is justified by the superior wisdom of the rulers. In actuality, however, Mathie argues that Hobbes did not believe men to be equally wise. An equality is simply propounded to persuade men that consenting to be ruled is not a concession of inferior wisdom to the rulers.[14] While I agree with Mathie in stressing the importance of the line of argument on equal mental capacities, I believe he misses the significance of it. Though textual evidence indicates that Hobbes did not think men to be equally wise, this is not the only sense in which an equality in mental faculties is present in Hobbes' texts. As I described earlier, men are characterized by an equality in the capacity for private judgement, which underlies Hobbes' Right of Nature and his consent theory of political authority. Thus, natural equality and right cannot be dismissed as contrivances simply to persuade men to accept being ruled.

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13. Macpherson, 74-76.

14. William Mathie, "Rhetoric and Rationality in Hobbes' Leviathan". (Paper presented at the Canadian Political Science Association Annual General Meeting, Montreal, June 1980), 20-22.

I.4 Equal Judgement and Hobbes' Political Theory

The characterization of men as equal in their capacity for private judgement is important because it shapes Hobbes' political theory. This equality was earlier described as underlying the derivation of the Right of Nature, the legitimization of the consent theory of the state and the justification for absolute rule. To amplify on the implications for Hobbes' political theory, not only does this equal capacity make possible the derivation of the Right of Nature, it determines how this Right is conceived. Furthermore, this equality informs the content of the Laws of Nature and is reflected in the equity and liberty of men in the Hobbesian state. To begin with the Right of Nature, consistent with the natural equality upon which it is based, I depart from the preponderance of the literature in characterizing this Right as simply a right of self-preservation. I present it instead as the liberty to judge what is required for one's good, however it is conceived.[15]

In Hobbes' political theory, men are guided into civil society by the Laws of Nature. I argue that the Laws of Nature correspond to men's natural equality and right. In

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15. The Right of Nature has only recently been interpreted in broader terms than a right to self-preservation. See George Mace, Locke, Hobbes and the Federalist Papers (Southern Illinois University Press, 1970) and Frank Coleman, Hobbes and America (Toronto: University of Toronto Press, 1977).

recognition of each person's equal possession of natural right, the Law of Nature requires men to acknowledge each other as equals and to retain only as much liberty as they would be content to allow others. Since the question of how much liberty should be retained would itself be a matter of private judgement, and thus open to dispute, men must agree to obey a Sovereign to determine and enforce the extent of it.[16]

Once in civil society the natural equality of men preceding the political covenant is reflected in the natural law requiring the Sovereign Power to govern equitably. The subjects do not, however, have liberty to judge and dispute the equity of their treatment by their Right of Nature. The purpose of creating the Sovereign Power was to put such matters out of the range of private judgement and disagreement. The liberty of private judgement is retained only in matters unregulated by the civil law. The only way in

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16. In interpreting Hobbes' Laws of Nature to be shaped by his theory of natural equality and right, I am assigning primary importance in his political philosophy to his theory of natural right and not to his theory of natural law. In placing the emphasis on the theory of right, my interpretation is distinguished from the literature which views Hobbes' concept of natural law as the most important element of his political philosophy. (This point of view is most notably advanced by Warrender in The Political Philosophy of Hobbes.) In assigning primary importance to the theory of right, I am not only engaging in what I believe to be a credible reading of Hobbes. I also justify my emphasis on the basis that his theory of right is one of the most forceful and omnipresent ways in which his political philosophy has persisted into modern thinking. Not only has the concept of right overtaken the issue of natural law in the interests of academic circles. While natural law is never referred to, rights are extensively used in the language of modern politics and popular parlance.

which men retain the Right of Nature is in judging the limits to their civil obligation.

I.5 Textual Sources

To indicate briefly my use of Hobbes' texts in this study, I rely principally upon Hobbes' major work, Leviathan. Primary use is made of Part I, "Of Man", with particular reference to Chapters V, VI, VIII, and XIII-XV. Their titles respectively indicate they address "Reason", the "Passions", the "Intellectual Virtues", the "Natural Condition", and "Natural Law". In Part II, "Of Commonwealth", I most extensively refer to Chapter XVII on the "Generation of a Commonwealth", Chapter XXI on the "Liberty of Subjects", and Chapter XXVI on "Civil Laws". Some use is also made of Hobbes' two earlier works, The Elements of Law[17] and The Citizen.[18] They are used either to reinforce or amplify an argument in Leviathan, or to show a development in Hobbes' thinking.[19] From The Citizen, I primarily use Chapters I and

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17. Thomas Hobbes, The Elements of Law, ed. by Ferdinand Tonnies (New York: Cambridge University Press, 1969). References to The Elements of Law are cited by part, chapter and page.

18. Thomas Hobbes, The Citizen, in Man and Citizen, ed. by Bernard Gert (Gloucester, Mass.: Anchor Books, 1972). References to The Citizen are cited by chapter and page.

19. In particular, I argue there is a development in Hobbes' thinking between the two earlier works and Leviathan in according greater prominence in the latter to an equality in mental faculties, and in characterizing the Right of Nature as more than a right to self-preservation.

II, on the "State of Nature" and the "Law of Nature". The corresponding passages in The Elements of Law are in Part I, Chapters XII-XV and XVIII. I make only very occasional reference to Hobbes' book, On Man, which was written after Leviathan.

I.6. Procedure

My procedure in the following chapters is as follows. Chapter II describes the concept of equality in Hobbes' political doctrine. Equality issues are shown to arise in connection with human nature, the natural condition, natural right, natural law, and the Sovereign Power. Chapter III analyzes the various features of human equality that Hobbes propounds. Their significance in his political theory is measured by their suitability in establishing the Right of Nature, and by the consistency with which they are presented as equal. I argue that equal vulnerability to death is an inappropriate base for the Right of Nature. Textual evidence is cited to show that Hobbes did not actually believe men to be equally prudent and wise, despite some statements to the contrary. The foundation for Hobbes' claim of natural equality is, instead, located in an equal capacity for private judgement. From this equality, it is argued that the Right of Nature is derived, not just as a right to self-preservation, but as a right to judge what is required for one's good, however it is conceived. In virtue of this equality, natural

hierarchies in wisdom must be rejected as a justification for rule.

Chapter IV demonstrates the implications of natural equality and right for human relations, starting with the natural condition. To bring men out of the natural condition, it is shown how duties of natural law obligate all men to covenant with each other to lay aside their right to all things and to authorize a Sovereign Power to secure their peace and safety. Once in civil society, the equitable treatment of subjects by the Sovereign is commanded by natural law. It is shown, however, that the subjects do not have liberty, by their Right of Nature, to pass judgement on the equity of the Sovereign's actions. The only way in which the Right of Nature may be invoked in civil society is in determining the limits of one's civil obligation.

Chapter V draws out two of the political issues raised by this study's major claim that natural equality consists in an equal capacity for private judgement. First, this equality favours the greatest possible liberty for subjects in Hobbes' political theory, with the restriction of their liberty justified by the need for social control. This raises the question of the extent to which the state should interfere with the liberty of a person's judgement of their good, when this judgement is viewed as misguided or harmful to the person concerned. The second issue concerns Hobbes' political response to the conflicts engendered by the reign of private

judgement in the natural condition: he advocates absolute rule. While we may be uneasy with the absolute authorization of the Sovereign Power, the difficulty of limiting this authorization is shown.

CHAPTER II

EQUALITY AS IT ARISES IN HOBBES' TEXTS

Equality permeates Hobbes' political philosophy. It appears in his characterization of human nature and the natural condition, and in his theory of natural right, natural law and sovereign authority. In this chapter I will work backward and forward from the natural equality Hobbes posits among men in Chapter XIII of Leviathan, on the "Natural Condition of Mankind". Here an equality is asserted in physical and mental capacities, in vulnerability to death, and in the hope of achieving desired ends. Although the equality in mental capacities is only briefly described in Chapter XIII as an equality in prudence and wisdom, Hobbes' characterization of the faculties of mind can be amplified by looking back to the preceding chapters on the nature of man. The political implications of natural equality will then be developed in the succeeding chapters describing men's equal natural right and their obligation to obey the Laws of Nature. The connection between equality and the need for rule will also be addressed, as will the equality of men in the Hobbesian state.

II.1 Equality in the Natural Condition

The natural condition of mankind is distinguished from civil society not by a difference in the nature of men, but by the absence of effective government. Hobbes construes this natural condition as a state of equality.[1] When men's consent to being governed is withdrawn, the ensuing war of each against all demonstrates that natural rulers do not emerge. There are no natural differences in men's capacities by which one or more men could gain dominion over the rest. Nor are there any other differences by which some men might claim to rule others as natural authorities. The capacities of each to govern himself are equal. To substantiate this equality claim, Hobbes must identify these capacities and demonstrate that they are equal in all men.

Chapter XIII of Leviathan introduces the natural condition and describes the equal capacities which rule out the possibility of natural rulers. In the first paragraph, the measure of equality in physical and mental capacities is equal vulnerability to death. Hobbes argues that no man is so far ahead in strength or quickness of mind that he could not be killed by another. Though he admits that one man may sometimes be stronger in body or in quickness of mind, the difference is not so great, "that one man can thereupon claim to himself any benefit to which another may not pretend, as

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1. Leviathan, XV.211.

well as he".[2] The weakest in strength may still kill the strongest through the application of his wit in "secret machinations" or through "confederacy with others".[3] As a result, in the natural condition, no man has any more reason than any other to feel secure in the protection of his life.

In the sections corresponding to Chapter XIII in The Citizen, and The Elements of Law,[4] the argument on equal vulnerability to death is also made. Both versions warn how easily the frailty of the human frame makes it to kill a man. The Citizen denies that superior strength affords lesser vulnerability from being killed.[5] In The Elements neither differences in strength or in wit are said to affect this equal vulnerability.[6]

It is noteworthy that in The Elements of Law and The Citizen, Hobbes' arguments on equality are confined to equal vulnerability to death. In Leviathan, however, this is supplemented. In Chapter XIII of Leviathan an equality in prudence and wisdom is described. Prudence is said to be experience, "which equall time, equally bestowes on all men,

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2. Leviathan, XIII.183.

3. Ibid., XIII.183.

4. Sections 1-5 in Part I, Chapter XIV of The Elements of Law, and sections 3-6 in Chapter I of The Citizen.

5. Citizen, I.113.114.

6. Elements, I.XIV.70.

in those things they equally apply themselves unto".[7] Equality in wisdom is attested to by men's vanity over their own wit. Men rarely rate others to be so wise as themselves. This is taken to be a proof of equality, for there is no surer sign of an equal distribution of something than each man is pleased with his share.[8]

From equality of ability there arises in Leviathan an "equality of hope in the attaining of our Ends".[9] There is no equivalent to this in either The Citizen or The Elements of Law. These works, instead, posit an equality in men's desire to seek their good and avoid what is evil, with the chief evil being death.[10] Shifting from an equality of desire to an equality of hope allows Hobbes to establish men's equal chances in the natural condition. An equality in desire does not entail an equality in men's capacity to realize their desired ends. An equality of hope, founded in an equality of ability, denies that anyone could have reason to believe they have a better chance than others of securing their aims.[11]

The result of equality in capacities and hope is mutual insecurity in the natural condition. With each man equally bent

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7. Leviathan, XIII.183.
8. Ibid., XIII.183, 184.
9. Ibid., XIII.184.
10. Elements, I.XIV.71; Citizen, I.115.
11. Leviathan, XIII.184.

upon securing his good and in no better position to attain it, in the event of conflict, none can be assured of satisfying his desires.[12]

II.2 Equality in Mental Capacities

Although Hobbes does not actually claim men to be naturally equal until Chapter XIII in Leviathan, the preceding chapters on the nature of man present certain mental capacities as equal. Men cannot be differentiated in the manner in which they name their good, or on the basis of their reasoning capacity. To commence with the former, men are alike in defining good and evil in relation to their passions. What a man calls good and evil respectively corresponds to what provokes his appetites and aversions. There is nothing "simply and absolutely" good or evil; these terms are always applied "with relation to the person that useth them".[13] Although Hobbes describes the passions as being the same in all men, the objects of these passions are diverse. Since men are not similarly affected by the same things, they name them differently. What one calls justice is cruelty to another; what is magnanimity to one is prodigality to someone else.[14] Although words connoting good and evil are applied differently

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12. Ibid., XIII.184.

13. Ibid., VI.120.

14. Ibid., IV.109.

by different men they are, however, alike in evoking them in relation to their desires and aversions.

Reason is defined as a "Reckoning" or adding and subtracting of the "Consequences of generall names".[15] This yields truths, not about the consequences of things, but of names: "For True and False are attributes of Speech, not of Things".[16] Although most men are characterized by Hobbes as relying little upon reason in daily life,[17] he claims that "all men by nature reason alike, and well, when they have good principles".[18] Intractability in being taught is attributed to a prior acquiesence in false opinions: if men's minds were of blank paper, they would almost equally be open to receiving the product of right ratiocination.[19]

With an equal capacity to reason in every person, Hobbes cautions against conceding the use of one's own reason to that of others, on the grounds that they appear more studied or able. In any subject of reasoning, even "the ablest, most attentive, and most practised men, may deceive themselves, and inferre false Conclusions".[20] This is not to deny that reason

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15. Ibid., V.111.
16. Ibid., IV.105.
17. Ibid., XV.116.
18. Ibid., V.115.
19. Elements, I.X.51.
20. Leviathan, V.111.

is itself always right, but the reason of one man, or even the concurrence of many, does not make "the certaintie".[21]

Relying on the reason of others is even less advised due to the connection between reason and the passions. Without some desire as the end and scope of mental discourse, the thoughts are unguided and inconstant, likened by Hobbes to the sound issued by a lute out of tune.[22] But whatever their necessity for regulated mental discourse, if the passions set wandering thoughts on their course, they do so in the process of also tincturing the content. In reasoning, this occurs in the definition of the words which are used. Hobbes emphasizes the lack of clear definitions as a source of absurd conclusions.[23] Inconstancy in the use of words is created by the passions. Hobbes held it impossible for anyone always to have the same appetites and aversions in respect to the same things.[24] And as things invoke different appetites and aversions in us, so are they variously named. If the passions create inconstancy in any one person's use of words, no more can consistency be expected on the interpersonal level. People are not always similarly affected by the same things and, accordingly, name them differently. Thus Hobbes warns

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21. Ibid., V.111.

22. Ibid., III.95.

23. Ibid., V.112.

24. Ibid., VI.120.

that words are of dual signification: besides what we imagine of their nature, they also signify the "nature, disposition, and interest of the speaker".[25]

The sway of the passions in the definition of the words used in any ratiocination underlines that men's use of reason is always mindful of the way to their own good.[26] The more the definition of terms affects men's interests, the more they will be disputed. Thus, "the doctrine of Right and Wrong" provokes more disagreement than "the doctrine of Lines, and Figures", because the latter "crosses no mans ambition, profit, or lust".[27]

We have seen, first, that men are alike in attaching the naming of good and evil to their own appetites and aversions. Secondly, men are equal in reason, with the use of their reason tied to the procurement of their own good. An equality in mental faculties thus conceived, what are the results for the natural condition? So long as the passions bear their mark in the reasoning process, and private appetite is the measure of good and evil, reason and men's good will be as susceptible to variation as the objects of the passions themselves. No consensus can be expected on what is good and evil, or on what is reasonable in the affairs of common

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25. Ibid., IV.109.

26. Elements, XV.75.

27. Leviathan, XI.166.

life.[28] Moreover, if each person's conception of good is equally tied to their passions, and each is equal in their reasoning capacity, there can be no natural authority to turn to in settling these affairs. Since a man's objectives can be served by the ascendancy of his own reason and idea of good in social affairs, each will endeavour to have his prevail. With each seeking the same end, the result is disagreement and a perpetual state of war.

II.3 Natural Right

With an equality in reasoning capacity, it follows that in the natural condition, each person's private reason should have equal validity and force; no person's reason has more or less validity than any other's. This is reflected in the Right of Nature, which Hobbes defines as:

> the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing anything, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto. [29]

By this right men have the liberty to use their reason in judging the best means of applying their powers to the preservation of their life and nature.

A Right which legitimizes the use of reason entails a capacity to reason on the part of whoever bears it. Because

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28. Ibid., XVI.216.

29. Ibid., XIV.189.

the capacity to reason is equal in men, the Right of Nature is an equal right: there are no limits on the exercise of this right by any one man as opposed to another. Though the Right may be an equal right for those who bear it, it is not possessed by all. For Hobbes does not attribute everyone with reason, excluding "Children, Fooles, and Mad-men" from possession of the Right.[30]

In the natural condition, the Right of Nature amounts to a right to all things, since there is nothing a man might not judge useful to him. Even other men's bodies may be judged of help.[31] But if the Right of Nature gives men a right to everything, it assures nothing. The result of the equal possession of a right to all things is mutual insecurity. A regard for the security of their own life and interests would, then, instruct men to contract with each other to lay aside this right to all things. Since it would be foolhardy for some to give up the right, while others retain it, laying aside the right is conditional upon the others' like performance. And by the liberty given by the Right of Nature, each man is himself the judge of when it can be safely laid aside.[32]

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30. Ibid., XVI.219.

31. Ibid., XIV.189, 190.

32. A right is laid aside either by transferring or renouncing it. It is transferred when the person laying aside the right intends the benefit to accrue to a specific person(s). It is renounced, or abandoned, when the person is

When men lay down their right in the covenant creating the Sovereign Power, it is done in expectation of some good to themselves. For a covenant is a voluntary act, and men's voluntary acts always aim at the attainment of their good. There are, accordingly, some rights which Hobbes asserts no one can be understood to have laid aside. A man cannot be obligated by any covenant to submit to forceful assault or imprisonment[33]; to kill or wound himself; to abstain from the use of anything he needs to live; to accuse himself of any crime, or to accuse a wife, father or benefactor; to kill another person; to execute any dangerous or dishonourable office which is not required by the end for which the Commonwealth was ordained; or to refrain from joining together in mutual assistance with others like him, who are already expecting death from having unjustly resisted the Sovereign Power or committed a capital offense.[34] Thus, even though the right to all things is laid aside, men equally retain the liberty to retain those rights which a consideration for their own good could not possibly have led

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indifferent about who obtains the benefit. In laying down their right, men incur the obligation not to hinder those to whom it has been transferred or renounced, from the benefit of it. Thus the person or persons becoming sovereign do not gain any new right; they are simply no longer impeded in the exercise of their own original right by other men's possession of the same. (Leviathan, XIV.190, 191)

33. Ibid., XIV.192.

34. Ibid., XXI.268-270.

them to lay aside.

II.4 Natural Law

Before discussing the Laws of Nature, Hobbes' use of the words 'equality' and 'equity' must be distinguished. I have, so far, used the term 'equality' in comparing the natural features possessed by men. 'Equity' appears in Leviathan with the Laws of Nature.[35] While Hobbes is not entirely consistent in keeping a separate use for 'equality' apart from that of 'equity', a distinction can be made. 'Equality' is used in relation to the nature of men. As we have seen, in virtue of certain features, Hobbes considers men equal. To be equal is for none to be any more capable, or certain, of securing their life and their interests in the natural condition. 'Equity', on the other hand, refers to the treatment of men through a system. It is a principle of morality required in the actions of arbitrators, judges and legislators. Whatever the manner or justification for treatment, equity consists in treating similar cases alike. An example Hobbes gives will illustrate this. Suppose the civil law provides that a man forcefully thrust out of his house be restored to it by the state. There is no special law if a man leaves his house empty, and returns to find it occupied by others who keep him out by force. Should this occur, equity would demand that the same

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35. 'Equity' is first seen in Chapter XV, on p. 212.

protection be provided by the state, as the two cases are sufficiently alike to warrant similar treatment.[36] In all legislation and in the administration of it, equity requires that cases be treated differently only insofar as they are significantly dissimilar. This definition of equity will be important in our discussion of the Laws of Nature.[37]

A Law of Nature is defined by Hobbes as:

> a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved.[38]

Thus, a Law of Nature is an edict of reason instructing a man in the preservation of his life. The first and primary injunction of natural law is to seek peace, insofar as there is hope of obtaining it. Barring the attainment of peace, the second precept of the first Law prescribes "the summe of the Right of Nature": the use of all the means we can in self-defence.[39] Inclusion of the Right of Nature in the first Law of Nature underlines that natural law does not require men to relinquish their judgement on when it would be safe for them

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36. Leviathan, XXVI.326, 327.

37. Whenever Hobbes fails to keep the distinction between 'equality' and 'equity', it is always in using 'equality' where 'equity' should be employed. For example, he states there should be 'equality' (and not 'equity') in the imposition of taxes. (Leviathan, XXX.386).

38. Ibid., XIV.189.

39. Ibid., XIV.190.

to act upon these laws. Men are obliged in foro interno to observe these laws; that is, they are bound to the desire to adhere to them, but not always actually to do so.[40]

The rest of the Laws of Nature are intended to attain the object of the first Law, namely, peace. Twelve of these eighteen Laws refer to equal right and liberty, to natural equality or to equity. The second Law requires men to be content with as much liberty as other men. Insofar as a man thinks it necessary for peace and self-defense, he must be willing to lay down his right to all things and "be contented with so much liberty against other men, as he would allow other men against himselfe".[41] The fifth law requires each person to accommodate himself to the rest; none must seek to retain those things which are superfluous to him and necessary to others.[42] The tenth law commands that, in entering terms of peace, a man require to retain no more right than what he is content should be retained by all the rest.[43]

The tenth Law is presented as dependent on the ninth which commands, "That every man acknowledge other for his Equall by Nature".[44] Acknowledging equality means denying

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40. Ibid., XV.215.

41. Ibid., XIV.190.

42. Ibid., XV.209.

43. Ibid., XV.211.

44. Idem.

Aristotle's claim that some are naturally more worthy to rule, in virtue of being wiser. This law is binding, however, irrespective of whether men are equal or unequal by nature. For "men that think themselves equall, will not enter into conditions of Peace, but upon Equall terms".[45]

The eleventh, sixteenth, seventeenth and eighteenth Laws all concern the equitable resolution of conflict. The eleventh Law commands that any person "trusted to judge between man and man... deale Equally between them". Equity consists in the "equall distribution to each man, of that which in reason belongeth to him".[46] The next three Laws amplify the eleventh Law by further specifying the requirements of equal distribution. The twelfth Law commands the equal use of things that cannot be divided. The use of what cannot be divided or enjoyed in common, the thirteenth Law requires to be determined by lot. The fourteenth Law describes lot as either primogeniture or first seizure.[47]

The sixteenth law requires, "That they that are at controversie, submit their Right to the judgement of an Arbitrator".[48] It is established in the seventeenth Law that no man is fit to judge his own cause. For if one be admitted

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45. Idem.

46. Ibid., XV.212.

47. Ibid., XV.212, 213.

48. Ibid., XV.213.

as arbitrator, equity demands that the other be admitted also, effectively leaving them in the state of war.[49] Finally, the eighteenth Law prohibits the use of partial judges.[50]

For those who are too busy satisfying their material needs, or too negligent to apply themselves to understanding the Laws of Nature, Hobbes sums them up in a single rule: "Do not that to another, which thou wouldest not have done to thy selfe".[51] In learning the Laws of Nature, all a man has to do is put himself in the place of the other, thus subtracting his own passions and self-love from the balance in weighing what he should do.[52] In this way adherence to these Laws will seem equally reasonable for him as for the rest of people.

Set against the obligation to observe the Laws concerning the equality of others and the equitable treatment of them is the disinclination of men to do so, stemming from the natural passions carrying them to pride and partiality.[53] Pride prevents men from acknowledging others as equals. Partiality leads men to reserve special treatment for themselves. Thus, unless there is a common power to enforce the Laws of Nature,

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49. Ibid., XV.213, 214.

50. Ibid., XV.212.

51. Ibid., XV.214.

52. Ibid., XV.214, 215.

53. Ibid., XVII.263.

no man can bank on the adherence of others to them.

II.5 Sovereign Authority

The need for a Sovereign Power arises out of the natural equality of men established in Part I of Leviathan. For the state of equality, or the natural condition, is a state of war. Chapter XIII argues that, due to an equality in physical capacities and in prudence and wisdom, no man has any more hope of securing his aims in the natural condition than anyone else. Each is equally vulnerable to being killed or otherwise thwarted from his good. Although in creating a Sovereign Power men must agree to limit their liberty, Hobbes argues that what they lose will be compensated for by their protection in the enjoyment of what is left.

It is worth noting that this equality in mental capacities is not merely asserted by Hobbes. Rather, he has established it prior to Chapter XIII in his analysis of psychology. First, men are alike in making their own appetites and aversions the measure of good and evil. Second, men equally possess the capacity to reason, with the use of reason linked to the procurement of their own good. As long as private appetite defines good and evil, and the issue of what is reasonable crosses men's interests, so long will men dispute what is good and reasonable. Here the need for a Sovereign Power appears as the need for an artificial reason and measure of good to replace the disputed private ones. In

the absence of a common measure for good and evil,[54] and "for want of a right Reason constituted by Nature",[55] men must set up a common measure and right reason through the artifice of a Sovereign Power.

Men's political artifice is created by each one covenanting with the others to lay aside his right to all things. They thereby oblige themselves to stand out of the way of the exèrcise of the same right on the part of the man or assembly appointed the Sovereign Authority.[56] At the same stroke, they mutually agree to authorize the actions of the Sovereign Power "in those things which concerne the Common Peace and Safetie".[57] Through this authorization, the Sovereign Power has the authority, or right to act, by commission or license of them whose right it is. This right is that of the contracting parties.[58] As owners of the Sovereign's right to act, they bind themselves as authors, too, of all the actions promulgated by the Sovereign on the authority of that right.[59]

The natural equality creating the need for the Sovereign

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54. Elements, II.I.112.

55. Leviathan, V.111.

56. Ibid., XV.190, 191.

57. Ibid., XVII.227.

58. Ibid., XVI.218.

59. Ibid., XVII.227.

Power prohibits justifying this rule, on the grounds of the superior wisdom of the Sovereign. Rule is legitimized by the consent of equal men. The institution of the Sovereign Power is the product of each man's equal capacity to use his reason to calculate his good.

Although men are equal in the natural condition, they are not equal in civil society. The "inequality that now is" is said by Hobbes to have been introduced by the civil laws.[60] Whether from differences in riches, power, or nobility of kindred, all inequality stems from the acts of the Sovereign Power.[61] The right of creating inequalities is annexed to the Sovereign Power. To him is committed the power of settling the public worth of each man, of rewarding with riches and honour, and of deciding what signs of respect are appropriate to each in his appointed place of order.[62]

It may seem inconceivable that men could be equal in the natural condition and unequal in civil society. For the men in the natural condition are the same as the men of civil society. Only their circumstances are changed by the presence of a common power. In the natural condition, however, men have an equal capacity to secure their aims. In civil society the actions of the Sovereign Power may make some men better

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60. Ibid., XV.211.

61. Citizen, III.143.

62. Leviathan, XVIII.235, 236.

able to attain their ends, thus creating inequalities.

If inequality is conceivable in civil society, it may still be wondered how it is permitted. Men are said by Hobbes to be unwilling to enter into conditions of peace except on equal terms.[63] By this it cannot, however, be meant that each should be equally secured in the attainment of his ends. For this would bring the expectation of the right to all things into civil society. In laying aside this right men agree to limit their liberty, insofar as it is required by peace and their self-defense.[64] On Hobbes' understanding of human nature, the introduction of inequalities would seem required for peace. The desire of men for eminence and competition for honour will provoke disagreements if the Sovereign does not himself determine the public worth of each man.[65]

The introduction of inequalities does not mean that men may be treated arbitrarily. The Sovereign is bound by the eleventh Law of Nature commanding equity. Though men may be placed in different categories by the civil law, within the same classification, they must be similarly treated. Thus, the Sovereign's will is always supposed to be consonant with equity.[66] This specifically requires: that equity be the

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63. Ibid., XV.211.

64. Ibid., XIV.190.

65. Ibid., XVIII.235.

66. Ibid., XXVI.319.

intention of the civil law;[67] that justice be equally administered to all manner of people;[68] that the distribution of land be equitable;[69] and, that taxes be equally imposed.[70] Punishment of the innocent is forbidden as a violation of equity.[71] Finally, in matters not controlled by the Sovereignty, equity demands that each man equally enjoy his liberty.[72] Though the Sovereign is bound to govern in accordance with equity, it should, however, be noted that this obligation is owed to God, not the subjects.[73]

II.6 Conclusion

Issues of equality have an extensive presence in the political philosophy of Hobbes. In Leviathan natural equality appears most conspicuously in Chapter XIII, where men are judged equal in mental and physical capacities, in vulnerability to death, and in the hope of attaining their ends. If equal mental faculties are here equated with equal prudence and wisdom, in the preceding chapters, two other

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67. Ibid., XXVI.326.

68. Ibid., XXX.385.

69. Ibid., XXIV.296.

70. Ibid., XXX.386.

71. Ibid., VIII.359, 360.

72. Ibid., XXVII.334.

73. Ibid., XXXI.265.

equal features are present. Men have an equal capacity to reason and equally name good and evil according to their passions.

The implications of equality in the natural condition are carried over into Hobbes' conception of natural right, natural law, and sovereign authority. That each man is able equally to define his good and use his reason to attain it seems to be sufficient warrant for the equal possession of the Right of Nature. The Laws of Nature require men to acknowledge each other as equals, to be content with no more liberty and right than others, and to dispense equitable treatment to others. Finally, the terms of the covenant creating the Sovereign Power do not prohibit inequalities between men, but the Sovereign is obligated to treat them equitably.

On this basis, I propose now to consider some problems which are raised by Hobbes' account of equality. In the chapters which follow, three such problems will be addressed: the significance of the various features presented as equal in men, the foundation for the Right of Nature, and the equity of the Hobbesian state.

CHAPTER III

NATURAL EQUALITY AND RIGHT

Although a number of equalities among men may be identified in Hobbes' writings, they may not all be of similar significance in his political philosophy. The aim of this chapter is to analyze these different accounts of equality to determine which are able to substantiate Hobbes' claim that the natural condition is a state of equality without natural rulers. Furthermore, if these features are to be linked to Hobbes' political theory, by warranting men's equal possession of natural right, it must be shown that the equal features are compatible with Hobbes' particular characterization of the Right of Nature. The features to be examined are vulnerability to death, prudence and wisdom, and a capacity for private judgement. It is in the last of these that I will argue natural equality is truly based.

III.1 Equality in Vulnerability to Death

Hobbes asserts that differences in strength and quickness of mind are not so considerable that anyone may claim greater invulnerability from being killed.[1] As I stated in Chapter I,

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1. Leviathan, XIII.183.

references to this equal vulnerability to death have predominated in the secondary literature addressing equality in Hobbes. Most notably, F. S. McNeilly uses the vulnerability argument to further his case that Hobbes develops his political theory in Leviathan independently of any particular characterization of human nature. He denies that Hobbes' argument on equality of ability makes any factual claims about persons, in respect to their faculties of mind, or otherwise. This argument, instead, offers a calculation of any person's chances for obtaining security from violence:

> Hobbes' argument about equality of ability is not so much a statement of known facts about people -- that they are equal in this or that respect -- as merely the denial that any individual could have reason to rely on his own power for security. 2

I agree with McNeilly in denying that an equal ability to kill refers to any particular human features. However, if discussion of natural equality in Hobbes is limited to the equal vulnerability argument, one is forced, with McNeilly, to restrict the significance of natural equality to its weight in men's calculation to enter into civil society. Even though Hobbes accords a high profile to equal vulnerability as a motivational force propelling men out of the natural condition, I believe that it cannot be further linked to his political theory by substantiating the equal possession of his conception of natural right. Thus, other equalities must be

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2. McNeilly, 165.

considered if Hobbes' Right of Nature is to flow out of his theory of natural equality.

If equality of ability is interpreted to mean only an equal ability to kill, it is legitimately open to McNeilly's charge of not referring to any specifiable human attributes. There are no particular features by which men are able to kill each other. The capacity may be brute strength in one case, craft in another, or a facility to join forces with others. This is illustrated in the different capacities invoked in a bar fight, or in the complex planning of a political assassination or act of terrorism. The argument on equal vulnerability presumes uncertainty in what capacities may be used to kill another. If nothing can be said about what particular abilities are called upon in every case, it is certain that no one can be any more assured of being safe. Thus, Hobbes' argument on equal vulnerability to death counts, not as a reference to specific human features, but as a calculation of men's equal chances for security in the natural condition.

If equal vulnerability to death does not refer to any particular features of men, the problem arises of how it could be the ground of natural right. Establishing natural right is contingent upon identifying some common feature in men, which can be argued to give rise to the right.[3] It is hard to see

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3. If a natural right is attributed to men without arguing that certain common features give rise to it, there can be no

how the calculation of men's equal chances against each other, as adversaries, could qualify. Would a man's fifty/fifty chance in a bearpit also deposit in him natural right?

Even if it was arguable that equal vulnerability to death could underpin natural right, it could not accommodate Hobbes' particular conception of it. First, it would attribute the Right of Nature to more categories of persons than Hobbes allows. While Hobbes does not discuss whether everyone possesses the Right of Nature, his views may be inferred from his account of those who are excused from offences against the Laws of Nature. Since the first Law contains the Right of Nature,[4] it is implied that whoever is bound by the former possesses the latter. Any person who "pretendeth to reason enough for the Government of his own affairs"[5] cannot be excused from obeying natural law. Thus, anyone who does not claim the capacity to reason enough to govern himself is not obliged by natural law nor, by extension, do they possess the Right of Nature. As a result, Hobbes excludes children and

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substantiation for the right. For a natural right is one which men have in virtue of being men. It does not derive from membership in society, or from men's voluntary actions. (H.L.A. Hart, "Are There Any Natural Rights?", Rights, ed. by David Lyons Belmont, California: Wadsworth Publishing Co., 1979], 15.) If men are to be endowed with natural rights it must, then, be proven that they have some characterizable feature which warrants their possession of it.

4. Leviathan, XIV.190.

5. Ibid., XXVII.345.

madmen.[6] If it is not true of small children, it is true of 'madmen' that others may be no more assured of security from them than from their sane counterparts. Thus, if the equal ability to inflict death is put at the bottom of the Right of Nature, this Right must be attributed to persons whom Hobbes may be judged to exclude.

The second way in which the argument on equal vulnerability to death is an unsuitable base for the Right of Nature is in constricting the scope of this Right to less than Hobbes intended. If the Right of Nature was simply the liberty to judge the best means of preserving one's life, equal vulnerability to death might not seem an inappropriate basis for it. The Right of Nature should, however, be understood not just as a right to judge what is required for self-preservation. It also includes the right to judge "the means of so preserving life, as not to be weary of it".[7] If the Right of Nature were founded on equal vulnerability to death, there is no reason why it should entitle men to any more liberty than that of judging what is required for their bare preservation. Equal vulnerability to death seems totally unrelated to the further sense of natural right that each man has the liberty, not only to judge the best means to preserve

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6. Ibid., XXVII.345.

7. Ibid., XIV.192.

his life, but to live it in the manner that he thinks good.[8]

If the Right of Nature is to be founded on the natural equality of men, it must be concluded that vulnerability to death cannot be the sole foundation for this natural equality. To recapitulate, this equal vulnerability does not refer to specific features of men, making problematic the derivation of natural right. Even if the connection to natural right could be made, it would have to be attributed to persons whom Hobbes may be interpreted to exclude. This Right could not, furthermore, be understood in any other sense than as a right to self-preservation.

Admittedly, Hobbes emphasizes equal vulnerability to death in his political philosophy. This may be attributed to his concern not only to construct the first science of politics, but to motivate men to follow its injunctions. Men puffed up with pride in their own sense of power must be convinced that however superior they think they may be in strength or wit, they are still no less vulnerable to being kiled than their supposed inferiors. Measured by the capacity to kill each other, men are to be accounted equals. It should, therefore, be no submission of inferiority toward others, in either strength or wit, for a man to forego the insecurity of the natural condition for the protection of civil society.

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8. Ibid., XIV.192. This 'expanded' interpretation of the Right of Nature will be further amplified and defended later in this chapter, in the section on 'Equality in the Capacity for Private Judgement'.

The validity of the argument asserting equal vulnerability to death has not, so far, been doubted. It can, however, be objected that unless some other mental equality is assumed, there may be no equal vulnerability. If someone were a natural ruler, by virtue of a superiority in his wisdom, or reason, or moral sense, it would be wrong, by nature, to kill him. If this were recognized by men in the natural condition, then there would be no (or at least less) vulnerability for him of being killed. Thus some feature of mental equality must be established to preclude natural rulers and their correspondingly smaller vulnerability to death.[9]

There is an interesting contrast in this respect between Leviathan and the relatively earlier accounts of The Elements of Law and The Citizen. The equal vulnerability argument recedes somewhat in favour of more attention being paid to men's equal mental faculties.[10] This is not a difference so much in the substance of the argument but in the emphasis. All three texts deny Aristotle's claim that some are naturally more wise and, therefore, better suited to rule.[11] They each call men alike in naming good and evil in accordance with

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9. Don Carmichael suggested this argument to me.

10. Most prominently, McNeilly has emphasized the importance of examining the differences between Hobbes' three texts.

11. Elements, I.XVII.87, 88; Citizen, II.121; Leviathan, XV.211.

their own appetites and aversions.[12] And all three works attribute to men an equal capacity to reason.[13] In the respective sections[14] addressing the question of men's equality, however, the equal vulnerability argument is much more prominent in the two earlier works than in Leviathan. In The Citizen, men's faculties of mind are not mentioned at all, not even in contributing to the argument on equal vulnerability to death. Equal vulnerability arises from the frailty of the human frame, which makes it easy "even for the weakest man to kill the strongest".[15] Although men's wit is featured in the vulnerability argument in The Elements of Law, it is not in any other way mentioned.[16] In Leviathan, on the other hand, an equality in prudence and wisdom is argued.[17]

Recognizing their increasing significance in Hobbes'

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12. Elements, I.XVII.29; Citizen, XIV.282; Leviathan, VI.120.

13. Elements, I.X.51, I.XV.75; Citizen, II.123. Leviathan, V.155.

14. Sections 1-5 in Part I, Chapter XIV of The Elements of Law; sections 3-6 in Chapter I of The Citizen; and Chapter XIII of Leviathan.

15. Citizen, I.114.

16. Elements, I.XIV.70.

17. With a higher profile given to the argument on equal vulnerability to death in the two earlier works than in Leviathan, corresponding changes in the Right of Nature may be expected. The greater characterization of the Right of Nature as a right to self-preservation in the two earlier works will be addressed later in this chapter, in the section entitled 'The Connection to Natural Right'.

political works, the rest of this chapter will address men's mental equalities, beginning with the equality in wisdom and prudence.

III.2 Equality in Wisdom

The importance of this issue has been established in a recent (but unpublished) paper by William Mathie, "Rhetoric and Rationality in Hobbes' Leviathan". Mathie interprets the equality in mental capacities to consist in an equality of prudence and wisdom. Hobbes asserts that "Prudence is but Experience; which equall time, equally bestowes on all men, in those things they equally apply themselves unto".[18] He uses men's contentment with their own wisdom as proof for their equality: "For there is not ordinarily a greater signe of the equall distribution of any thing, than that every man is contented with his share".[19]

Although Mathie argues that these statements on equality in wisdom and prudence have an important purpose in Hobbes' political philosophy, he contends that this purpose is entirely rhetorical in nature. He marshals textual evidence to prove that Hobbes did not actually believe men to be equal in their mental capacities.[20] Natural equality in wisdom is,

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18. Leviathan, XIII.183.

19. Ibid., XIII.184.

20. Mathie, 21, 22.

instead, spuriously propounded by Hobbes to offset the political consequences of the Aristotelian claim that rule is justified on the basis of the superior wisdom of the rulers. With all men claiming a superior, or at least equal, share in the wisdom of governing, men's willingness to accept being ruled necessitates the denial of natural hierarchies in wisdom. On this view, equal right is not derived from any equal, natural feature of men. The equal right consistent with the acknowledgement of equal wisdom arises as a means of compensating the ruled, who believe themselves to be better, or at least equally able to govern the Commonwealth.[21]

Despite some statements to the contrary, Mathie is correct in arguing that Hobbes did not actually believe men to be equal in their faculties of mind, if these faculties are construed as prudence and wisdom.[22] The extent of any person's prudence and wisdom is, respectively, a function of his imagination and passions. Thus, alongside Hobbes' more frequently stated contention that prudence is equally bestowed on men of equal age, he argues that, "men of quick imagination, caeteris paribus, are more prudent than those whose imaginations are slow: for they observe more in less time".[23] In Hobbes' analysis of the intellectual virtues,

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21. Ibid., 20.

22. Ibid., 21.

23. Elements, IV.16.

quickness of wit is presented as varying in accordance with men's passions, principally with "the more or lesse Desire of Power, of Riches, of Knowledge, and of Honour".[24]

Hobbes' analysis of human nature would have merited less critical attention than it has if it truly incorporated the absolute equality of wisdom and prudence. That men could be equal in natural wit, and in their application to develop their mental capacities, runs counter to experience. We should have been more surprised to find such a notion supported in the exegesis of Hobbes' texts. There does, though, remain the problem of explaining why Hobbes sometimes claims men to be equally wise. I agree with Mathie in the rhetorical purpose he infers: equality in wisdom is espoused to counteract the unwillingness of men to be governed, if rule is justified on the basis of natural hierarchies in wisdom.[25] This unwillingness to accept the rule of the supposedly more wise may stem from a man's opinion that he is, himself, the best able to govern the Commonwealth.[26] Even a person who does not accord himself superior wisdom in all matters of the state, is still unlikely to judge others more fit to govern himself: "For there are very few so foolish, that had not

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24. Leviathan, VII.139.

25. Mathie, 2

26. Leviathan, XVII.226.

rather governe themselves, than be governed by others".[27]

On Mathie's reading, those subjects who accord themselves an equal or superior share in the wisdom of governing are compensated by the universal acknowledgement of equality and the possession of equal right in civil society. If this seems like meagre compensation to the man eager to apply his supposedly superior wisdom to the affairs of state, Hobbes backs up the exchange by the demonstration of equal vulnerability to death in the natural condition, and by the observation that insurgents claiming superior wisdom are rarely successful.[28]

However ably Mathie constructs his view that Hobbes had rhetorical objectives in propounding equality in the faculties of mind, there is still a disturbing element to his analysis. While I agree that Hobbes' disavowals of natural hierarchies in wisdom may have been made with an eye to their rhetorical implications, to cast them entirely as rhetorical is to undermine the seriousness with which Hobbes forwarded his consent theory of the body politic. On this theory, there is no legitimization for the state, apart from the consent of its subjects. Irrespective of the need to persuade men that accepting rule is not a concession of inferior wisdom, on Hobbes' theory of natural equality there can, in fact, be none

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27. Ibid., XV.211.

28. Mathie, 20.

more worthy to command. The rhetorical assertions on equal prudence and wisdom do not constitute all there is to be said, in Hobbes' texts, about equal mental capacities. In the next section I will argue that an equal capacity for private judgement substantiates the claim of equality in the faculties of mind.

On Mathie's interpretation, the practical necessity of acknowledging equality is all that stands behind equal right. Men will not accept rule if the view prevails that some are more worthy to command. So it must be a matter of popular belief that all men are equal and should enjoy equal rights. The practical necessity of acknowledging this equality and equal right stems from the civil dissension that ensues from the teaching that public office is due to those who are more wise. This is a provocative doctrine, given many men's belief in their superiority in the art of governing. But even those who suppose themselves superior should be cautious about claiming the right to rule; a quicker wit does not make them any less vulnerable to being killed. Thus, in following out the need for equal right, from the necessity of counteracting the belief in natural hierarchies in wisdom, we have been led back to the argument on equal vulnerability to death. On Mathie's reading, if equal right appears at first as a concession to men's conceit for their own wisdom, it winds up being a pragmatic measure, forced into acknowledgement by men's equal vulnerability to death. After establishing a

natural equality in men's capacity for private judgement, I would like to oppose the view of equal right as a concession or pragmatic measure, by founding natural right in this natural equality.

III.3 Equality in the Capacity for Private Judgement

Discounting an equality of wisdom does not preclude the possibility of another mental feature, by which men may be accounted equal. Such a capacity of mind will be argued to consist in men's equal capacity for private judgement. Although this argument is not forwarded explicitly by Hobbes, it may be easily drawn out of his works. Through my work in Chapter II of presenting equality issues as they arise in Hobbes' texts, the substance for this argument will have already largely been covered. The task here will primarily be to forward the various pieces together as a credible basis for Hobbes' claim of natural equality.

Having suggested an equal capacity for private judgement as the foundation for men's equality, the meaning of the terms 'equal', 'private' and 'judgement' must be indicated. Although these cannot be entirely separated, the 'judgement' refers to that of both reason and morality.[29] By 'private' it is meant that this judgement concerns the naming of a man's

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29. As the ensuing discussion will show, not all judgements of reason are moral judgements; but all moral judgements involve the use of reason.

own good, and the calculation of the best way to attain it. Thus it is private in the sense that it is connected to the nature and the interests of the person concerned. Calling this judgement 'equal' denies that anyone, other than the person himself, could better define his good or discern how it could best be achieved. Each man, therefore, has an equal capacity to govern himself. No one can legitimately claim to rule others on the grounds of a superior capacity to reason or know their good. The evidence must now be located in Hobbes' texts for founding men's natural equality in their private judgements of reason and morality.

III.3(a) Judgements of Reason

There is evidence in Hobbes' texts for both the presence of an equal capacity to reason in men, and for the conception of reason as private. Hobbes claims that, "all men by nature reason alike, and well, when they have good principles".[30] This reason is characterized as being directed to the procurement of a man's own good:

> Reason...is the same in all men, because all men agree in the will to be directed and governed in the way to that which they desire to attain, namely their own good, which is the work of reason. 31

By "their own good" is meant that which men desire. For the

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30. Leviathan, V.115.

31. Elements, I.XV.75.

naming of good and evil respectively correspond to the objects of men's appetites and aversions. The naming of good and evil can thus never be unfettered from the passions of particular men. There is no common measure of good and evil "to be taken from the nature of the objects themselves".[32] The measure is always the passions of the persons calling things good or evil.[33] In putting reason at the service of this good, the use of reason can never be disassociated from the particular passions of men. Thus Hobbes dismisses anyone's claim to a natural right reason as simply a demand to have every one of his passions "taken for Right Reason".[34]

In the last section it was argued that the equal vulnerability to death argument in Hobbes' thought recedes in favour of a greater emphasis on equal mental capacities. This increased attention to mental capacities is evidenced in respect to the discussion of reason. In all three works Hobbes asserts an equality in the capacity to reason, and ties the use of reason to each person's attainment of his own good. It is not until Leviathan, however, that he provides the extensive argument which links men's use of reason to the passions. As described in Chapter II, reason is defined by Hobbes as the reckoning of the consequences of general names.[35] The definitions of these names reflect the passions

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32. Leviathan, VI.120.

33. Ibid., VI.120.

34. Ibid., V.112.

35. Ibid., V.III.

of the speaker. While reference is made to the diversification of definitions by the passions in The Elements of Law,[36] it is only mentioned and not argued. In Leviathan, Hobbes demonstrates the linkage between reason and the passions, through the play of the latter in the definition of terms.[37] Tying men's reason into their passions is important to establishing equality in reason. A man's capacity to reason does not, therefore, become a question of his relative capacity to approximate the decrees of a "right reason" existing outside of his own nature. The use of reason is linked to men's passions; as the one experiencing these passions, each man is himself the best able to know the nature and objects of them.

It cannot be denied that men may make mistakes in their reasoning. But if their judgements may sometimes be misguided, they still retain the sovereignty to make them. In any subject of reasoning, even the most practised persons may arrive at false conclusions.[38] Though a man may sometimes misreason, his capacity to reason must still be accounted equal. Even apart from this equal capacity to reason, there is less ground for intruding into the sovereignty of any

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36. Elements, I.V.23.

37. Leviathan, IV.109; VI.129; XIV.196.

38. Ibid., V.111.

person's judgements, if it is remembered that these are private judgements. Each person makes them with the aim of serving his good, as he defines it, in relation to his passions. As the one who feels these passions and is thus best able to know them, and in the absence of any superior capacity to reason in others, the person himself must be judged the best suited to realize his good.

It has already been stated that children and madmen are excluded from the obligation to obey the Laws of Nature through their want of reason. The criterion for judging if a person possesses reason is whether he claims to have reason enough to govern his own affairs.[39] Thus the equal capacity to reason cannot be denied to anyone who has the means to proclaim his possession of it.

III.3(b) Judgements of Morality

Although the distinction is not rigidly kept, the naming of good and evil is distinguished in Hobbes from "the doctrine of Right and Wrong".[40] Men use 'good' and 'evil' in relation to the objects of their passions, while 'right' and 'wrong' refer to morality, or the determination of what men ought, and ought not, to do. Though the dictates of morality may contravene a man acting upon any passion, as it happens to bear sway in him, the determination of morality cannot be

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39. Ibid., XXVII.345.

40. Ibid., XI.166.

detached from human passions. For it is in relation to the good of each person that the content of morality is derived.

Because the content of morality affects men's realization of their good, it is a matter of dispute:

> ...the doctrine of Right and Wrong, is perpetually disputed, both by the Pen and the Sword: Whereas the doctrine of Lines, and Figures, is not so; because men care not, in that subject what be truth, as a thing that crosses no mans ambition, profit, or lust. 41

Though moral judgements are disputed, this does not mean there are no limits to the content of morality in the common discourse of men. What men call right and wrong is certainly not a matter of consent. But if the application of moral terms is disputed, there is agreement on the moral character of the terms themselves. Thus Hobbes says, men agree that "theft, adultery, and the like" are wrong.[42] The disputation arises in the determination of what is to be termed "theft", "adultery", and so on. As further illustration, though people agree that murder is wrong, they may not agree on calling abortion or euthanasia "murder". Similarly, as will later be addressed, men may agree that natural law requires the equitable treatment of others, while disagreeing about what is equitable.

If morality crosses men's passions, this does not give men license to name right and wrong in unreflective response

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41. Ibid., XI.166.

42. Citizen, XIII.283.

to each passion that happens to arise in them. The use of their reason must be employed in the definition of morality. As we said, the content of morality is tied to the realization of each man's good. As an instrument yoked to the service of this good, reason should properly be employed in the definition of morality. Though the clarity of men's reason in this task may sometimes be obscured by their passions, an equality in the capacity to reason entails an equality in the capacity to make these moral judgements:[43]

> ...in so great a diversity of censurers, what is by reason blameable is not to be measured by one man more than another, because of the equality of human nature;... [44]

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43. The equality of men's moral judgements is not contingent upon complete subjectivism in morality. Even if there is an objective morality, each person must be judged equally capable of discerning it. Complete subjectivism in morality would mean that a person could not make a mistake in their moral judgements; for there are no criteria for assessing a person's moral beliefs, and therefore no limits to what they may judge morally good. An objective conception of morality denies that there are no such criteria for assessment. Consistent with Hobbes' conception of morality, these criteria need not consist in anything external to the question of the good of each person. (An example of an 'external criterion' would be whether a person's moral beliefs accord with God's command.)

While extensively discussing this issue is outside my purpose in addressing men's equal capacity to make moral judgements, the question of whether Hobbes supports a subjective or objective conception of morality would seem to indicate the latter. An important criterion for assessing moral beliefs, in Hobbes, is whether men's peace and security is promoted. This criterion is reflected in the Laws of Nature, which Hobbes presents as binding upon all men. As precepts of reason conducing to the conservation and self-defense of men, they are obligated in foro interno to observe them.

44. Citizen, XIII.283.

On the basis of their equal capacity for private judgement, then, men are to be accounted equal in the natural condition.[45] There is no foundation for the claim that anyone is more able to govern an individual than that person himself.

III.4 The Connection to Natural Right

The problem for any natural rights theorist is in substantiating the deduction of natural right from some natural feature equally possessed by men. On Mathie's reading of Hobbes, there is no moral basis for equal right in the natural equality of men. For the mental faculties, in which this equality could consist, were interpreted as wisdom and prudence. And these were denied being equal in Hobbes' analysis of man. The acknowledgement of equality and the enjoyment of equal right appears in civil society as a pragmatic measure to appease men who might otherwise balk at being ruled (especially if rule is popularly believed to be legitimized by the superior wisdom of the rulers). What stands behind attributing men with equal right is the threat of civil dissension and return to the natural condition.

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45. It may be questioned how an equality of wisdom, which Hobbes did not assert, can be distinguished from an equality in private judgement. Wisdom, however, is presented by Hobbes as a moral virtue, with all the variation attendant upon this in what is called wisdom by different men. The definition of wisdom, therefore, is itself a matter for men's private judgement.

While the acknowledgement of equal right may have pragmatic value in securing the consent of men to being ruled, I will argue there is a moral foundation for natural right in the natural equality of men. In the last section, this natural equality was shown to consist in a mental faculty, an equal capacity for private judgement. From this the Right of Nature can be derived. The derivation of this Right is not explicit in Leviathan. It first appears at the head of the fourteenth chapter, simply as the following definition:

> THE RIGHT OF NATURE...is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto. 46

Though the deduction is not explicitly made by Hobbes, an equal capacity for private judgement would constitute a credible base for the derivation of natural right. Elucidating the private nature of this judgement revealed that the determination of men's good is rooted in their passions. Thus, a man's good is not defined by anything extraneous to his own nature (be it, for instance, the will of God, or the common good determined in isolation from each man's private good). There is no way of defining a person's good, outside of how that person would himself conceive it. As an instrument in the service of men's good, reason is not disassociated from the discernment and the attainment of this

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46. Leviathan, XIV.189.

good. In the succession of alternating appetites and aversions in men, by calculating the consequences of actions, reason can assist in the final determination of what men call their good. Once defined, reason is used to guide men to it. This capacity to employ reason for private ends is considered by Hobbes to be equal in men.

On the basis of the private nature of men's good and their equal reason, men must be endowed with an equal capacity to make judgements concerning the definition and the procurement of their good. With each thus equally competent to judge, there is no reason why each person should not make these judgements for himself. From this the Right of Nature is derived, by which each man has the liberty to judge how he may best employ his powers for the preservation of his own life and nature. In the absence of a common measure for good and evil, and a natural right reason, the judgement of each individual himself must be the final source for the determination of what he should do. On Hobbes' view of human nature it would, in fact, be impossible for men not to will the attainment of their good, and the avoidance of what they think evil.[47] On the 'ought implies can' requirement for morality, men could not be ethically compelled to refrain from employing their reason for the attainment of their good. For what is, by their nature, impossible for men to do cannot be

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47. Elements, XIV.72.

morally required of them.

In thus deriving natural right from men's equal capacity for private judgement, I agree with C. B. Macpherson in crediting Hobbes with deriving a principle of right from statements of fact about men.[48] The first fact consists in the private nature of good, by which each person understands his good in relation to his passions, and is compelled to seek it as a result of the same. The second fact consists in the equal capacity of men to employ their reason in discerning their good, and in judging the best means to attain it.[49]

If the Right of Nature is derived from an equal capacity for private judgement, this right must correspondingly entitle men to name their own good, and to determine how they may best attain it, whatever they conceive it to be. In accordance with the higher profile given to the argument on equal vulnerability to death, as opposed to equal mental faculties,

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48. Macpherson, 75.

49. While I agree with Macpherson in attributing Hobbes with the derivation of right from facts about men, I have presented different "facts" than Macpherson does. Macpherson identifies two postulates of equality among men: "equality of ability and equality of expectation of satisfying their wants". (p.74) The equal ability of men to kill each other is cited as the equality of ability. (pp. 74, 75) I argued in section one of this chapter that Hobbes' natural right cannot be derived from the equal ability of men to kill each other, on the grounds that this ability does not refer to any particular feature of men, and it is consistent only with a right to self-preservation. Macpherson gives no other basis in men's capacities for an equality of "expectation of want satisfaction" other than the equal ability of men to kill each other. (p.75) This would seem to provide no basis for an equal expectation of satisfying any wants outside of the desire to kill another.

the formal definitions of the Right of Nature, in the two earlier works, present it solely as a right to self-preservation.[50] The Right of Nature is derived from the natural necessity of men to seek what is good for them and to avoid what is evil, of which the greatest natural evil is death. From this the Right of Nature is derived as a right for each person to "preserve his own life and limbs, with all the power he hath",[51] and thus to judge the means required to do so.[52] In Leviathan the Right of Nature is formally defined as the liberty of each man to judge the best means of

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50. Elements, I.XIV.71, 72; Citizen, I.115, 116.

51. Elements, I.XIV.71.

52. In describing the right to all things in The Elements of Law. Hobbes states:

> Every man by nature hath right to all things, that is to say, to do whatsoever he listeth to whom he listeth, to possess, use, and enjoy all things he will and can. For seeing all things he willeth, must therefore be good unto him in his own judgement, because he willeth them, and may tend to his preservation some time or other; or he may judge so, and we have made him judge thereof, sect. 8: it followeth that all things may rightly also be done by him. (I.XIV.72).

The right to all things is thus proclaimed on the grounds that anything which is willed by a man must be judged good by him, and "may tend to his preservation some time or other". This passage, taken by itself, might indicate that the Right of Nature entitles men to seek whatever they judge to be good. That what they will "may tend to their preservation" is added immediately, but afterward. In the context of the whole chapter, however, where the Right of Nature is always portrayed as a right to self-preservation, it is more likely that Hobbes is conceiving the good willed, in terms of its facility for self-preservation.

preserving not only his life, but "his own Nature".[53] By "his own Nature" may be understood each person's conception of his good, as it arises from the experience of his passions, and the guidance of his reason. Through each man's judgement concerning the attainment of his good, as he conceives it, "his own Nature" is preserved.

The increasing importance in Leviathan of men's private good, unfettered from identification with self-preservation, is further reflected in Leviathan's treatment of the limits to the transfer of natural right. A man cannot be understood to lay aside any right if it would threaten the security of his life, or so affect the quality of his life that he should grow "weary of it".[54] Hobbes later lists the liberties to which the right cannot be given up by covenant. Here he can be understood as filling in his views on the greatest, and most commonly conceived, goods and evils. He cites the liberty to defend oneself and the liberty not to abstain from the use of anything needed for continued life. But also included are the liberty not to testify against a father, wife or benefactor,[55] or to kill another person, or to execute a dishonourable office unless refusal frustrates the end for which the

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53. Leviathan, XIV.189.

54. Ibid., XIV.192.

55. Ibid., XIV.199.

Sovereignty was instituted.[56]

Increasing attention is paid to the limits on the transfer of rights through Hobbes' three works. In The Elements of Law, men retain the right to self-defense and to "all things necessary for life".[57] The Citizen adds the right for a man not to accuse "any other, by whose damage he is likely to procure himself a bitter life".[58] In Leviathan, as listed above, two more liberties are again added which do not concern the issue of self-preservation. This indicates an increasing progression in Hobbes' thought of conceiving the Right of Nature as more than a right to self-preservation.

Even if Hobbes diminishes the prominence of self-preservation in Leviathan, it certainly does not disappear. A desire for self-preservation underlies his use of the threat of death as a motivational force to bring men out of the natural condition. If Hobbes understood men to conceive an important good in continued life, he was likely led to this conclusion by his observations of men and by his materialism, which characterized men as perpetually seeking continued motion. Nonetheless, the essential element here is the judgement of good and not the particular object of it. Other important and highly sought 'goods' are not precluded, such as

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56. Ibid., XXI.269.

57. Elements, I.XVII.88.

58. Citizen, II.131.

the desire for eminence or commodious living. And in respect to the desire for eminence or dominion over others, Hobbes' frequent references to self-preservation may be to serve the pedagogical aim of reminding men that their desire for the former should not make them lose track of the good they attach to the latter.

III.5 The Concept of Rule

The derivation of the Right of Nature from an equal capacity for private judgement entails that a man's judgement can, by right, only be employed to define and guide the way to his own good. In the natural condition, although this limits the scope of each man's judgement to the service of his private ends, within these parameters, the judgement of each must be accounted equally right. Despite the differences that are discerned by Hobbes in men's natural wit, in respect to the determination and pursuit of their own good, the question of differences in wisdom cannot be applied. Each man's judgement is sovereign in relation to the governing of his own life. The point is reflected in Hobbes' comment that, "A plain husband-man is more Prudent in affaires of his own house, than a Privy Counsellor in the affaires of another man".[59]

Not everyone will be content with having an equal

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59. Leviathan, VIII.138.

capacity for private judgement. Some will want to justify dominion over others by claiming a natural right reason, through which they could legitimize the extension of their private conception of good and evil to a common rule for others. But, to this, they have no legitimate right. From the Right of Nature, the right to all things follows in the natural condition. By this right a man has the liberty to use other persons in whatsoever manner he chooses for the attainment of his good.[60] But it does not give the right to rule another on the grounds of a superior capacity to define that person's good, or to judge the best means toward it.

Hobbes' disavowals of superior wisdom as the legitimate basis for rule must, accordingly, be granted more than rhetorical significance. He disclaimed that some men are more wise and therefore more worthy to rule because his conception of reason could not accommodate it. There is no "right Reason constituted by Nature",[61] the knowledge of which could make some men more able to rule. Instead, there is the equal

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60. Elements, I.XIV.72. Given the uncertainty in the interpretation of the right to all things in this passage (noted in footnote 52), I am perhaps taking a liberty with the text by characterizing the right to all things as a right to anything a man judges required for 'goods' other than the good of self-preservation. However, if I am justified in my precluding analysis of characterizing the Right of Nature as a right to judge the requisites for one's good, whatever it is conceived to be, it is a logical extension to characterize the right to all things in the same way.

61. Leviathan, V.111.

capacity of each man for private judgement. This private judgement can make no claims about what things are good in themselves and thus also good for others. For value does not lie in things themselves, but in each person's experience of them. In discerning the best way to attain any good, neither can one man's reason be accounted superior. Each is endowed by Hobbes with an equal capacity to reason. Thus, aside from any rhetorical imperatives, natural hierarchies in the worthiness to rule are precluded by Hobbes' conception of private reason and good.

How men's equal capacity for private judgement affects the legitimization of rule is further seen in the demands it sets upon the subjects. The employment of reason in the discernment and attainment of one's own good was seriously viewed by Hobbes. In Leviathan he frequently enjoins his readers to examine the first items in any reckoning and not to rely on the authority of books.[62] Moreover, the diligent use of reason in the service of private ends is required by his consent theory of the state. Sovereign authority is justified in the service of men's own good. Each man's consent to the Sovereign Power is the culmination of a reasoning process in which it is determined that consent will further private aims. Blind acquiesence to the state is unacceptable. Instead of relying upon custom and example, Hobbes insists that men

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62. Ibid., IV.105, 106; V.112.

understand "the causes, and the originall constitution of Right, Equity, Law, and Justice".[63]

III.6 Conclusion

I have argued in this chapter that the various human equalities Hobbes presents do not have the same significance in his political philosophy. His statements on equal vulnerability to death and equal wisdom serve the rhetorical objective of persuading men to enter into civil society. They do not, however, exhaust Hobbes' conception of natural equality, nor, taken by themselves, do they suffice for his derivation of the Right of Nature. Rather, I hope to have shown that Hobbes' theory in this respect rests upon an additional element, the equal capacity for private judgement. In the next chapter I shall consider some implications of this conception.

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63. Ibid., XI.165.

CHAPTER IV

NATURAL RIGHT AND MEN IN ASSOCIATION

Natural right was derived in the preceding chapter from an equal capacity for private judgement. Although the right is deduced apart from any characterization of the specific relations between men, its most important implications are for men in association with each other. The first task of this chapter will be to describe the insecurity of life for men in the natural condition, as it stems from their natural equality and equal right. The relationship between the Right of Nature and the Law of Nature will then be examined in men's entrance into terms of peace. Once in civil society, the question of men's equality will be addressed, as well as the equity of their treatment. Finally, I will discuss the only way in which the Right of Nature is retained in civil society, as the limit to one's civil obligation.

IV.1 The Natural Condition

Though men are equal in their capacity for private judgement, Hobbes did not expect the judgements of different men to be the same. The lack of consensus on what men judge good, and on how it may most reasonably be attained, is due

to the private nature of good and reason. What men call good is rooted in their particular passions, and their use of reason is tied to the service of the same. When contention arises in each man's pursuit of his good, there is no common rule of good and evil and no natural right reason to consult in resolving disagreements. For each party to the dispute to remain judge of the justice of their cause is to continue the reign of private reason and, thus, of war.[1] If the controversy is submitted to a third party, there is no means of enforcing the judgement made. As with all contracts, without a common power, there can be no security in trusting the promise of another to abide by the judgement of an arbitrator. When men's appetites carry them to the same things -- be it for a "convenient Seat",[2] for security, or for honour -- there is no means of peacefully resolving the conflict in the natural condition.[3] Moreover, by the Right of Nature, the sovereignty of each man's private judgement is legitimized. Thus, this Right effectively translates into a right to all things; each man has unlimited breadth in judging what is required for his good. Unfortunately for men's well-being, however, the right to everything is effectively a right to nothing certain. With no

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1. Leviathan, XV.213, 214.
2. Ibid., XIII.184.
3. Ibid., XIII.184.185.

corresponding obligations to recognize anyone's Right, there is no security in the exercise of it.

IV.2 Entrance into Civil Society

To bring men out of the natural condition, Hobbes presents the Laws of Nature. A Law of Nature is defined as:

> a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. [4]

These laws oblige men *in foro interno*: men are bound in their desire to put these Laws into place, but not always bound actually to do so. Each person is the judge of when his safety would not be hazarded by the performance of them.[5] As Hobbes states, "in the condition of meer Nature,...all men are equall, and judges of the justenesse of their own fears".[6]

Even if they bind insofar as each man judges he can safely observe them, the Laws of Nature may appear to be a perplexing intrusion into the 'right-sanctioned' private judgement of men. They bind men to the performance of specific actions when, by the Right of Nature, each man has the liberty to judge what conduces to his good. Moreover,

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4. *Ibid.*, XIV.189.
5. *Ibid.*, XIV.215.
6. *Ibid.*, XIV.196.

they cannot be dismissed as simply an injunction to men to seek their good, for they contain more by way of specific instruction. As D. J. C. Carmichael has argued, however, several of the duties the Laws of Nature prescribe correspond to the Right of Nature.[7] Thus, in asserting men's obligation to abide by these Laws, Hobbes is recognizing each man's possession of the Right of Nature. It is through the performance of these obligations that men are led to the covenant creating the Sovereign Power.

From their equal possession of the Right of Nature, men are required by the ninth Law of Nature to acknowledge each other as equals by nature.[8] Acknowledging each other as equal bearers of natural right is inconsistent with retaining one's own unlimited right. The tenth Law is, thereby, presented as dependent upon the ninth. This Law commands men to reserve to themselves only as much right as what they would allow others. It states,

> That at the entrance into conditions of Peace, no man require to reserve to himselfe any Right, which he is not content should be reserved to every one of the rest.[9]

The same injunction is made, in respect to liberty, in the

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7. D. J. C. Carmichael, "The Right of Nature in Leviathan". Paper presented at the annual general meetings of the Canadian Political Science Association, Ottawa, June 1982, 21.

8. Leviathan, XV.211.

9. Ibid., XV.211.

second Law.[10] It requires a man,

> to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe. [11]

Consistent with acknowledging the Right of Nature, men have an obligation to limit their liberty and right to what they would allow others. But the private nature of the equality in judgement which founds the Right of Nature would prohibit agreement on how much liberty each person should be willing to give up. As with any item of morality, equity will be a matter of private view. Men must therefore covenant with each other to lay aside their right to all things, and to obey a Sovereign Power who will determine and enforce the extent of the liberty of each man. Hobbes puts the point thus:

> For in the differences of private men, to declare, what is Equity, what is Justice, and what is morall Vertue, and to make them binding, there is need of the Ordinances of Soveraign Power... [12]

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10. Carmichael, 21.

11. Leviathan, XIV. 190.

12. Ibid., XVI.314. My purpose in this section was to establish the significance of the Right of Nature for men's entrance into terms of peace. Thus I have not discussed all the duties of natural law which may be conceived to flow out of the Right of Nature. Men's equal, natural right also underlies other duties, not here included in the steps to civil society. Notably, these are the duty to submit disputes to an arbitrator and the duty of arbitrators to deal equally between men. These are amplified in Chapter II of this thesis in the presentation of the eleventh through fourteenth, and the seventeenth and eighteenth Laws of Nature.

IV.3 Natural Right after the Covenant

Hobbes' depiction of the natural condition, and his formulation of a contract creating civil society, were intended to instruct men in their need and their obligation to seek and maintain conditions of peace. Individuals under political rule, however, will also want to know what, if anything, they may expect in civil society by virtue of their natural equality and their equal natural right. The question of the equality of men in civil society, and the equity of the Hobbesian state, is paradoxical, with seemingly contradictory tendencies. At the same time that Hobbes requires men to acknowledge each other as equals, because they will not enter into peace except on equal terms, he states that all inequality is introduced by the civil laws.[13] The Laws of Nature prescribe equity, yet it is no injustice for the Sovereign to violate them.[14] Though equity is asserted to be a matter of variation between nations,[15] there sometimes seem to be absolute principles of equity.[16] In unravelling

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13. Leviathan, XV.211.

14. Ibid., XXI.264.

15. Thomas Hobbes, On Man, in Man and Citizen, ed. by Bernard Gert (Gloucester, Mass.: Anchor Books, 1972), XIII, 69. References to On Man are cited by chapter and page.

16. Asserting a principle of equity to be absolute means that the non-enactment of it must be considered a violation of equity, under any circumstances and in any society. Thus, although Hobbes states that equity varies between nations, there seem to be some principles of equity in his theory that must always be respected if the

these ambivalences, I will begin with men's equality and the equity of the Hobbesian state, followed by a consideration of the Right of Nature in civil society.

IV.3(a) Equity in the Hobbesian State

Hobbes' civil society is not egalitarian, nor is it expected to be. The civil laws are depicted as introducing inequalities between men. Differences in wealth between citizens are presumed. The inequalities in men, arising from their riches, power or nobility of kindred, are said by Hobbes to have come from the civil law.[17] If men can be equal in the natural condition and unequal in civil society, it is because the Sovereign Power can enforce these inequalities. Moreover, it would seem to be a requirement for peace that men have publicly enforced, differential worths. Given men's desire for honour and eminence, each man must be assigned a public worth by the Sovereign so his public status will not be a matter of dispute.[18]

Hobbes' inegalitarianism does not preclude a requirement for the Sovereign to act on equitable principles. If there is any theme which runs through Hobbes' teaching on the proper stewardship of the Commonwealth, it is that equity

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sovereign's actions are to conform to equity. These are discussed later in this chapter.

17. Citizen, III.143.

18. Leviathan, XVIII.235.

should guide it. As a precept of the Law of Nature, the Sovereign Power is obligated to conform to the requirements of equity.[19] The Sovereign's will is always supposed to be consonant with equity.[20] This specifically requires that: equity always be the intention of the civil law;[21] that justice be equally administered to all manner of people;[22] that the distribution of land be equitable;[23] and that taxes be equally imposed.[24] Punishment of the innocent is expressly forbidden as a violation of equity.[25] Finally, in matters not controlled by the Sovereignty, equity demands that each man equally enjoy his liberty.[26]

In assessing Hobbes' teaching on equity and the state, a distinction must be drawn between an obligation to govern in accordance with equity and actually specifying the content of those equitable principles. Like all moral concepts, the definition of equity is a matter of private judgement, requiring the ordinances of the Sovereign Power to

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19. Ibid., XXI.265.
20. Ibid., XXVI.319.
21. Ibid., XXVI.326.
22. Ibid., XXX.385.
23. Ibid., XXIV.296.
24. Ibid., XXX.386.
25. Ibid., VIII.359, 360.
26. Ibid., XXVII.334.

define it artificially. Thus, in Hobbes' own writings, we must distinguish between the formal requirement for equitable principles and the specific content that he sometimes gives to them. The Sovereign is obligated, for example, to impose equally the burden of taxes, but this does not oblige Hobbes' particular tax proposal.[27] Similarly, the Law of Nature commands, "the equall distribution to each man, of that which in reason belongeth to him".[28] But whether this distribution specifies possession by first seizure or primogeniture is not a formal requirement of equity.[29]

Even if the Sovereign Power is bound by natural law to govern equitably, this is not an obligation to the subjects. Hobbes forwards it instead as owed to God.[30] An obligation to the citizens is already precluded by the characterization of this obligation as one requiring adherence to equitable principles, without specifying their content. A formal requirement for equity, without limiting what the Sovereign may judge equitable, would seem breachable only by the unwillingness of the Sovereign to try carefully to define and enforce equity. The Sovereign's performance of his obligation can, thus, only be measured by the sincerity of his intention to enact equitable principles. Here arises the

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27. Ibid., XXX.386.

28. Ibid., XV.212.

29. Ibid., XV.212, 213.

30. Ibid., XXI.265.

significance of God as the one to whom the obligation is owed. Only God could know the Sovereign's intent. The subject can only presume the Sovereign always to be acting from equitable intentions.[31] Thus, subjects do not retain any right in civil society to judge the conformity of the Sovereign's actions to equity.

Despite the depiction of the Sovereign's obligation as only a formal requirement for equity, there are at least two principles of equity that seem to be absolute in Hobbes' theory. The first consists in the equal protection of men, by the law, from the encroachments of others.[32] Whatever the law may be, would not equity unequivocally command that each person be equally protected by it? The second principle is the inequity of the punishment of the innocent.[33] Both of these principles have a more specific content than simply the formal requirement that the Sovereign have equitable

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31. Ibid., XXVI.326.

32. Hobbes does not explicitly state that an absolute principle of equity consists in the equal protection of men from the illegal actions of others. But, as I will show, this principle is necessarily implied by his understanding of the justification for, and function of, sovereign authority. It is, furthermore, implied by particular examples that he gives (for example, the case presented in chapter I of this thesis that, if the law requires that a man be restored to his house when he is forcefully thrust out, then equity demands that he be provided with the same protection if he had left it empty and returned to be forcefully kept out by those who had occupied it in his absence. Leviathan, XXVI.326, 327).

33. Leviathan, XXI.265.

intentions in the exercise of his powers. Their absolute certainty can be accounted for in Hobbes' theory by his nominalist epistemology. In accordance with this nominalism, if the meaning of the Sovereign Power is correctly understood, then it is an absolute principle of equity that the innocent should not be punished, and citizens should be equally protected by the law from the encroachments of others.

To begin with the requirement for the equal protection of citizens from others by the law, reference must be made to the original terms creating the Sovereign Power. It will be recalled that men's obligation to acknowledge each other as equals required them to retain only as much liberty as they would allow others against themselves. The Sovereign Power was instituted to determine and enforce the extent of this liberty. Its extent was to coincide with the civil law. There is no other way of defining the Office of the Sovereign Power but as an institution which proclaims and enforces civil law. Where the civil law is silent, each person was understood to be allowed the equal enjoyment of his liberty. It was to be secure in the enjoyment of this limited liberty that men laid aside their right to all things and created the Sovereign Power. By the terms originally defining the Sovereign Power, then, it is an absolute principle of equity that men be free to enjoy this liberty, unimpeded by the illegal actions of others.

The prohibition on punishment of the innocent is similarly derived from the original definition of the Office of the Sovereign Power and its functions. But this time the concern is not with the encroachments of subjects, but with those of the Sovereign Power. As an institution that is defined as the promulgator and enforcer of civil law, in fulfillment of the enforcement function, violations of the civil law are punished. The use of the word 'punishment' is, however, misused if harm is dispensed by a public authority in the absence of a transgression of the law. By the terms defining the Sovereign Power, subjects were to regulate their actions by the civil law. If this does not spare them harm from public sanctions, their original design of the Commonwealth is distorted.

Even if absolute principles of equity may be discerned in Hobbes' political theory, there is still no way in which the subjects can fault the Sovereign for not adhering to them. Consider, first, the Sovereign's obligation equally to provide men with the protection from others prescribed by law. No matter how dedicated his intent, the Sovereign will not be able completely to enforce the civil law. And it is only from his lack of intention to enact equity that breaches of the Sovereign's obligations can occur. Since his intention cannot be publicly known, natural right, as the liberty to judge principles of equity, is blocked out of civil society.

Although Hobbes asserts the punishment of the innocent to be a violation of equity, he does not present it as an injustice to the innocent subject. Any claims of injustice the citizen might make against the Sovereign by virtue of natural right are superceded by his agreement to authorize all the actions of the Sovereign Power.[34] By this agreement there can be no breach of covenant on the part of the Sovereign.[35] For in covenanting to create the Sovereign, each man was instituting himself as the author of all the Sovereign's acts. To authorize the Sovereign's actions is the same as having willed them oneself. Whatever the subject wills can be no injury to him, for whatever he wills must be reckoned to have been judged good by him.[36] Thus, by being the author of the Sovereign's acts, any inequity committed against the subject cannot be judged an injustice by him.

I have argued that the possession of equal, natural right does not entitle men to judge the equity of their treatment from the Sovereign. Variation in men's private judgements may explain why this is put in the Sovereign's corner, out of dispute. But this should not underrate the importance of the Sovereign's obligation to enact his powers equitably. One need not defer to this obligation as owed to

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34. Ibid., XXI.264.

35. Ibid., XVIII.230.

36. Ibid., XV.232.

God to explain its significance and origins in Hobbes' political theory. The proper referent is the original men constituting the body politic. They contracted into civil society out of the obligation to recognize each other as equals, a duty which corresponds to their equal possession of natural right. And as equal bearers of natural right, there is no reason why they should have entered into conditions of peace, except on equal terms. This imposes an obligation on the Sovereign to align his intentions with the determination and application of equitable principles. But due to the variation in the private judgements underlying this natural right, it also prevents the subjects from judging the deviation of Sovereign rule from principles of equity.

IV.3(b) Natural Right as the Limit to Civil Obligation

Although natural right does not appear in civil society as the liberty to judge the equity of the Sovereign's actions, it is retained as a right to judge the limits to one's civil obligation. In the second Law of Nature requiring men to lay aside their right to all things, Hobbes specifies in The Citizen that not all, but "some certain rights ought to be transferred or relinquished".[37] Although a similar caveat is not contained in Leviathan's version of the second Law of Nature, it is stated later in the same

37. Citizen, II.123.

chapter that there are some rights which cannot be given up. Various rights are then listed, including the right not to kill oneself or any other, or to execute any dangerous or dishonourable office not required by the end for which the Commonwealth was originally instituted.[38] These are credible examples of the reasons for which a man's obligation to the Sovereign may be limited. But rather than a right to limit one's civil obligation in respect to the loss of certain specified liberties, the right to disobey should be interpreted in correspondence with the natural equality which originally grounded the Right of Nature. This would, accordingly, entitle a man to disobey if, on balance, he judged that his own good -- however he conceived it -- is less likely to be thwarted outside, rather than inside, civil society.

While men may invoke the Right of Nature as the limit to their civil obligation, this cannot properly count as the operation of natural right inside the body politic. For the enactment of this Right immediately puts men outside civil society. The withdrawal of a man's consent to being ruled returns him to the natural condition. The natural condition thus exists both in the war of all against all preceding civil society, and in the relationship between the Sovereign Power and those who have revoked their consent to his

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38. Leviathan, XXI.268, 269.

authority. The individual in the latter condition, however, is in an even more unfavourable position. At least the state of nature pre-existing civil society was one consisting of relative equals. The dissident must contend with a power amalgamated through the laid aside right of the whole citizenry. By denying the Sovereign's authority, he also denies the punishments prescribed by law; as an enemy of the Commonwealth, the Sovereign may do to him as he wills, unbounded by his obligation for the equitable punishment of subjects.[39] Contingent upon a man's own judgement concerning his good, the Right of Nature may be legitimately invoked as the limit to one's civil obligation. But given the hazards of such a declaration against the state, this right could not be casually, or often, invoked.

IV.4 Conclusion

The object of this chapter was to draw out the implications of natural equality and right for men in association with each other. Natural equality and right create the conditions in the state of nature requiring the institution of the Sovereign Power, and they are reflected in the Laws of Nature guiding men into terms of peace. Once in civil society, the Sovereign Power is required to govern

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39. Ibid., XXVIII.356, 357.

equitably, although men do not have liberty, by natural right, to judge the equity of his actions.

CHAPTER V

CONCLUSIONS: PRIVATE JUDGEMENT AND POLITICAL RULE

The intent of this study has been to explicate Hobbes' theory of natural equality and right, and its implications for men in political association. If the results have realized my intentions, the importance of natural equality and right for Hobbes' conception of human nature and the body politic will be evident. Following a brief summary of my analysis, in this final chapter, I will draw out some of the political questions raised by my major claim, that natural equality consists in an equal capacity for private judgement.

V.1 Summary: Equality, Right and Sovereign Power

Chapter II set the context for the analysis of equality and right, by describing equality issues as they arise in Hobbes' political philosophy. They appear in respect to the natural features of men, the Right of Nature, the Laws of Nature, and Sovereign Authority. In Chapter III, I analyzed the various arguments on men's natural equality in Hobbes' texts. His statements on equal vulnerability to death and equal wisdom serve the rhetorical aim of persuading men to enter into civil society. It is an equal capacity for

private judgement which substantiates the claim that each person is equally able to govern himself in the natural condition. This was argued to be the equality from which the Right of Nature is derived. Chapter IV followed out the implications of natural equality and right in Hobbes' theory of the state. Laws of Nature corresponding to the Right of Nature guide men into terms of peace. Once in civil society, the Sovereign is required to govern equitably, though this is not an obligation owed to the subjects by their natural right. The Right of Nature can only be invoked in civil society as the limit to one's civil obligation.

The identification of men's natural equality, in their equal capacity for private judgement, has important implications for the conception and legitimization of rule. The imperative for the Sovereign Power does not arise out of the inferior capacity of some men to judge what is required for their good; it arises, instead, out of the conflicts engendered by each man's pursuit of his good. The political will creating the Sovereign Power aims at the arbitration of men's equally valid conceptions of their good, and their equally reasonable judgements on the best way to achieve it. There is neither any substantiation for, nor any pretence of, the possession of a natural right reason by the Sovereign Power. In the absence of a natural right reason, the reason of the Sovereign appears as an artifice -- as a private reason artificially elevated as authoritative by the

agreement of the subjects to recognize it. There is no justification for rule on the basis of the superior wisdom of the rulers.[1]

Once men have themselves fashioned a right reason in the form of a Sovereign Power, this institution must serve the original end for which it was created. The original end refers back to the private good of each individual. In the covenant creating the Sovereign Power, each man agrees to lay aside his right to all things, by which he had liberty to do whatsoever was required for the attainment of his good. The right is laid aside by each person's calculation that the loss of this infinite, but ineffective, right will be more than compensated for by the acquisition of a smaller, but certain range of legal rights in civil society. Although there is no Finis Ultimus (utmost aim) in human affairs,[2] if there is any sine qua non for the Sovereign Power, it is in introducing security into human relations through the guarantee of legal rights. Here the labour of human history appears as the industrious constitution of political institutions designed to secure conditions for the safe and calculable performance of men's agreements to each other. In the unfettered reign of private judgement in the natural

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1. Accession to the position of arbitrating between men is analogized in Hobbes' thinking to having the right trump turned up at cards. It appears as a matter of luck, rather than as a matter of any inherent virtue in the arbitrator.

2. Leviathan, XI.160.

condition, the fidelity of men to keeping their agreements is uncertain. The same concern for private good which prompted a man's agreement may equally call for its retraction. And, by natural right, each man's agreement is legitimately retractable, if he subsequently judges its performance unsafe, or if he suspects the other party(s) to it will default.[3] The state is thus contrived as a device to secure the conditions for each man's adherence to the agreements he has freely made.[4] The agreement overseeing this adherence is the political covenant by which each man agrees to retain only as much liberty for himself as he would allow others, with the Sovereign Power determining the extent.

V.2 Private Judgement and Absolute Rule

Other than to explain the contractual justification for the Commonwealth, and to describe the requirement for equity in the Sovereign's actions, I have not characterized the Hobbesian state. In this section I will show that the political imperative arising out of an equal capacity for

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3. Ibid., XVI.196.

4. With the uncertainty of men's private judgement requiring the introduction of calculability and reliability into human affairs, the keeping of one's word is highly reckoned by Hobbes as a moral virtue. He acclaims the "Noblenesse or Gallantnesse of courage...by which a man scorns to be beholding for...breach of promise". (Leviathan, XV, 207) In the natural condition, however, no man need hazard his safety to keep his word. It is only in civil society that proper vent can be given to the nobility of courage which Hobbes esteems.

private judgement is an imperative for an absolute state. Whatever the type of government -- monarchy, aristocracy, or democracy -- its power must be absolute. My purpose in explicating the absolute nature of Hobbes' state will be to raise the problems of limiting the authorization of the Sovereign Power, given the nature of the private judgement presented in this study.

One might dispense with the problem of Hobbes' absolute state by denying the equality of private judgement in which it is founded. Though this equality itself raises important political questions, I would not want to disclaim it. My procedure in this section will be to assent in the attribution to men of an equal capacity for private judgement, before turning to the results of this equality in Hobbes' theory of absolute rule.

V.2(a) The Autonomy of Private Judgement

Claiming an equal capacity in men to make private judgements excludes that any good can be defined for a person, external to how he himself experiences it. If one person experiences his good in "Ease, and Sensuall Delight", another in military honour, or a third in the attainment of knowledge,[5] no onlooker can judge that any of these goods is less valid for the person concerned. No criterion can be

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5. Leviathan, XI.161.

used to name a person's good in opposition to what he defines in accordance with his own passions and reason.

Reluctance to attribute an equal validity to each person's conception of their good stems from our reservation that we may morally disapprove of it, or we may judge it harmful to the person concerned or socially disruptive. So, wife-beating, alcoholism and acts of terrorism are negatively viewed. The political problem becomes one of respecting the autonomy of each person's judgement of their good, versus educating or coercing them to change this judgement to accord with other ideas on what is good for them or required for social harmony. The autonomy allowed each person's private judgement, in the context of our social and political association, is one of the fundamental problems of political philosophy. I will not extensively argue this issue here, but I will try to draw out the nature of the problem and indicate Hobbes' response to it, expressing my concurrence with the liberal premise of siding with the individual, where possible, in allowing persons autonomy in the judgement of their good.

As described in this study, Hobbes did not expect agreement between men on the naming of good, for this varies in accordance with the objects of their passions. Disagreement on what is good creates the need for a common measure of good defined and enforced by a Sovereign Power. So men authorize a man or assembly to secure their peace and

safety.[6] If men agreed that peace is good in creating the political covenant, they must agree to allow the Sovereign the means of keeping the peace through the formulation and enforcement of civil law. To these laws the obedience of the subjects is required. Their liberty lies in the silence of the law.[7] With the end of the Commonwealth conceived as men's peace and safety, Hobbes' original contention that each person is, himself, best able to know and seek his good, predisposes granting subjects the greatest liberty consistent with the maintenance of peace.[8] With laws formulated and justified in the service of peace, any tempering of men's conception of their good consists in instructing them in the necessity of upholding their civil obligation for the end of their safety.

True to his view on the diversity of the objects of men's passions, Hobbes did not believe that everyone would equate their good with peace. Those who are discontent with their position in civil society, or those who covet military command, may desire war. As Hobbes says, "there is no honour Military but by warre; not any such hope to mend an ill game, as by causing a new shuffle".[9] Without denying that

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6. Ibid., VII.227.
7. Ibid., XXI.264.
8. Elements, II.IX.178.
9. Leviathan, XI.162.

men could conceive their good in civil war, if instruction fails to impress them that peace is in their interest, then it is in order to coerce them that the Sovereign has the public sword.

This, then, is Hobbes' response to the question of where the liberty of private judgement should be restrained. The recognition of each man's equal capacity to judge his good favours the retention of as much liberty as possible. The extent of this liberty is defined by the civil laws, which are enacted in the interests of men's peace and safety. This peace and safety is, in any case, consistent with most men's judgement of their good. For those who conceive their good in ways inconsistent with the peace and safety of others, the coercive power of the state is applied.

We originally identified two reasons for restricting the autonomy of private judgement, either because a person's conception of their good is socially disharmonious, or because it fails to accord with other ideas of what should properly be their good. Hobbes invokes the former justification. If he sees the issue in the autonomy of private judgement as one of social control, it is because he conceives persons in a particular manner. Hobbesian men are not apt to undervalue themselves, and they define their good according to this high estimation. If the natural condition is a problem, it is not least because men have an overzealous conception of their good, inclining them to extract honours

from others and dispossess them of what they have.[10] Even those who do not have an overinflated opinion of themselves are no less than modest in their life demands. If persons can be expected to be at least moderate in their judgement of their good, and some will overstep these bounds by harming others, then the political problem is one of social control.

While the extent and nature of the coercion may be disputed, it is not hard to agree that the state must restrain men whose conception of their good hazards the safety of others. The more problematic question, which Hobbes does not address, is the state's role in the case of persons judged by common standards to have a 'diminished sense' of their own good. By a diminished sense it is meant that, as part of their good, these persons do not seem to incorporate the normal requisites for well-being, or they do not aspire to socially recognized goods. The former is illustrated by women who persist in marital relations with men who physically abuse them. Whatever the origins in social conditioning or the foresight of diminished access, the latter is illustrated by classes of people (women, Indians, lower socioeconomic groups) who do not desire the highest occupational positions and public offices. The political question is whether the state should interfere with the autonomy of persons' judgements, when it is conceived

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10. Ibid., XIII.184, 185.

they have a diminished sense of their good. This may be illustrated with respect to wife-beating, where some provinces now lay charges against the husband despite the wife's protests.

If popular wisdom does not dispute the way a person conceives their good, there may still be disagreement on the means chosen to achieve it. For example, health is an undisputed good. But whether its attainment requires megadoses of vitamins, or alternative cancer treatments, is not uncontroversial. Should the state legislate away the autonomy of individuals to judge the requisites for their health so they do not waste their money or harm themselves? Or should the person who disagrees with conventional drug and surgical methods be allowed to retain his judgement?[11]

Many other examples may be cited of cases where the state might interfere in the autonomy of private judgement in the interest of the 'good' of the person concerned. Hobbes favoured individuals retaining the greatest liberty consistent with peace, given his view that men are equally the best judges of their own good. While I have not pretended to resolve this question, but to illustrate the

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11. On this question Hobbes favours the autonomy of the individual. As one of the rights which cannot be laid aside, he lists the liberty not "to abstain from the use of... medicine, or any other thing, without which he cannot live". (Leviathan, XXI, 269) Consistent with the Right of Nature as a Right of private judgement, each person would himself be the judge of what 'medicine' he requires.

nature of the problem, I will indicate my preference for the Liberal response of allowing individuals the greatest possible autonomy. Just as Hobbes sought to instruct men that peace is good, this does not mean there is no place for persuading people of the positive or negative aspects of any good. But despite what we may think of any person's good, if they still persist in seeing it as such, the alternative to it would not be experienced as good by them. Each individual's solitary experience of the passions that rise up in him, in response to things, qualifies him as the expert on his good.

V.2(b) Absolute Authorization

If we wish to retain the liberty in civil society predisposed by an equality in men's private judgement, then we must address the political consequences of this equality in Hobbes' arguments for absolute rule. The equal capacity of men to judge their good favours the greatest autonomy for individuals in their private lives, consistent with peace and the safety of others. But this same equality will be shown to require authorizing absolute rule by the Sovereign Power, without place for citizens to judge civil affairs or dispute the Sovereign's actions. I will start by describing how an equality of private judgement necessitates absolute authorization in Hobbes' political philosophy. My aim in

doing this will not be to criticize Hobbes, but to draw out the questions raised in considering the compatibility of the autonomy of men's private judgement with limiting the authorization of rule.

Absolute rule is not necessarily arbitrary or tyrannical. Hobbes' theory of the state requires the equitable treatment of subjects, and favours their greatest possible autonomy. Apart from the question of whether the ensuing government is benevolent or not, under a theory of absolute rule the Sovereign Power is completely unbounded in his judgements and actions, making and unmaking laws at will. A theory of limited rule, on the other hand, restricts the Sovereign's authority. His authority may be judged limited, for example, by a constitution which overrides it, or by natural rights posited in men.[12] The authorization of all the Sovereign's acts, in an absolute theory of rule, prohibits citizens judging and disputing them.

It may seem evident how an inequality in men's private judgement could justify absolute rule. If some persons are less capable of governing themselves, then those with a superior capacity to govern them should have absolute authority to do so, unbounded by their subjects' own conception of their good. For if the subjects are less able to know their good, they cannot be given the right to impose

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12. By referring to these separately, I do not deny that natural rights may be incorporated in constitutions.

restraints on the ruler's authority to govern them. Any restraints that might be self-imposed by the Sovereign Power still emanate from his own discretion and interpretation. They cannot count as external limits on his command. His nonadherence to them cannot be challenged by subjects who have already been judged less able to govern themselves.

Though it may seem less plausible, an equality in private judgement yields absolute government in Hobbes' political philosophy. As described earlier, in the natural condition there is no common measure of good and evil, and no natural right reason. Each person's judgement on their good is equally valid. From this equal capacity to judge is derived the Right of Nature, by which men have the liberty to govern themselves. The condition of equal sovereignty in each man's private judgement is a state of conflict. As long as private appetite is the measure of good, and reason is tied in the service of the passions, men cannot be expected to agree on what is good and reasonable in the affairs of common life. Thus a Sovereign Power is needed artificially to proclaim what is consistent with reason and what is good. In the covenant creating the Sovereign Power, each person agrees to give up their right to govern themselves,[13] and to allow the Sovereign Power to determine the extent of their liberty through the proclamation of civil law. As a duty

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13. Leviathan, XVII.227.

corresponding to each person's Right of Nature, men were obliged, in the natural condition, by the Law of Nature to content themselves with only as much liberty as they would allow others. Since the diversity of their private judgements would prohibit agreement on how much liberty each should properly give up, a Sovereign Power is required to determine the extent. To allow subjects to judge and dispute his decisions would be to reintroduce the problems of the natural condition in men's inability to agree on the proper extent of this liberty. Thus, men's authorization of the Sovereign Power must be absolute: the Sovereign's hands are completely untied in Hobbes' state.

Consistent with our understanding of absolute rule, Hobbes does not limit the scope of the Sovereign's authority, nor does he permit subjects to judge or dispute the Sovereign's actions. There can be no breach of covenant on the part of the Sovereign Power, nor can he be accused of any injustice by his subjects. If the Sovereignty was instituted for the end of peace, the Sovereign Power alone has the authority to judge the means to the peace and defense of the Commonwealth.[14] This peace requires that the civil law be the common measure of good and evil actions, not men's private judgement. Thus men are not permitted

> ...to debate with themselves, and dispute the commands of the Commonwealth; and afterwards to obey, or disobey

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14. Ibid., XVII.230, 232, 233.

> them, as in their private judgements they shall think fit. [15]

Subjects are, therefore, to be taught "how great a fault it is, to speak evill of the Soveraign Representative, or to argue and dispute his Power".[16] In Chapter IV, I showed that even though the Sovereign is obligated by natural law to govern equitably, the subjects cannot judge the equity of his actions. Hobbes' theory of absolute rule no more allows men's private judgement to dispute the Sovereign's actions on any other grounds.

If the Sovereign's actions cannot be disputed, it is because they are authorized by the subjects. Hobbes' theory of authorization ties up the legitimacy of absolute rule. It was by their own agreement that the subjects restricted the autonomy of their judgement by authorizing all the Sovereign's acts. As authors, they cannot accuse the Sovereign of any injustice, for all the Sovereign's acts were willed by themselves.[17]

On Hobbes' theory any type of government may be absolute. He does not distinguish, in this respect, between democracy and monarchy or aristocracy. Their difference consists not in a difference of power, but in a difference of facility to procure

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15. Ibid., XXIX.365.

16. Ibid., XXX.381.

17. Ibid., XVIII.233.

the peace and safety of the people.[18] Whether the parties to the covenant authorize a democratic assembly, or a monarchy or aristocracy, the authority of that government must be absolute.

From the complete autonomy of private judgement in the natural condition, men move to civil society, where their judgement is curtailed to the private sphere defined by the silence of the law. The solution to the insecurity entailed by the reign of private judgement in the natural condition is to block out the private judgement of subjects in civil affairs. Only the Sovereign retains full amplitude for the exercise of his judgement. If we acknowledge the problems entailed by the complete liberty of private judgement, then we must address Hobbes' solution in absolute rule. While agreeing that some form of government is required, it may be objected that Hobbes has overstated the case in requiring its authority to be absolute. Limiting this authority will, however, be shown problematic, given our characterization of men's private judgement.

It must first be granted that autonomy in private judgements has a centrifugal effect on the extent of men's cohesiveness in making and binding themselves to the agreements and decisions needed for the peaceable management of common life. This may be more or less of a problem, depending upon the nature of the persons concerned. It is

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18. Ibid., XIX.241. Though it does not concern my purposes, Hobbes favoured monarchy as most conducive to peace.

more of a problem for liberal men, who are unfettered from the uniformity of judgement entailed by reliance in their thinking upon custom and previous example, or superstition and religious belief.[19] Liberal men's participation in common life is characterized by the search beyond tradition and accepted ethical commandments, to the calculation of what conduces to their own good. Patriotism and a sentiment for custom do not secure their concurrence to traditional political practises. The displacement of unreflective acceptance of customary rules of social action, by the rational determination of personal good, entails with it the full extent of the centrifugal force of private judgement in civil society. Without the homogeneity in judgements, and persons, that would provide a consensus on public affairs, Hobbes' liberal men require the absolute authorization of a Sovereign Power to settle civil matters.

Though Hobbes does not merit it a distinguishing factor, in contrast to a monarchy or aristocracy, in authorizing a democratic assembly men are authorizing a procedure for choosing their rulers. Nonetheless, Hobbes' theory of authorization still applies, unmodified. Irrespective of men's participation in choosing their rulers, they are binding themselves, as authors, to whatever decisions are

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19. F. R. Christi, "Hegel and Roman Liberalism". Paper presented in a Department of Political Science Research Seminar at the University of Alberta, May 1984.

subsequently made by that assembly. Thus, authorization just as much underlies the legitimacy of primary democracy. Here, an individual agrees to be bound by the decisions of an assembly of which he is a member. Thereby, barring homogeneity in beliefs, individuals may be agreeing to abide by majority decisions,[20] to which they would dissent.

Objection may be made, not to Hobbes' theory of authorization, but to its absoluteness. If the natural condition requires men to authorize a Sovereign Power, why cannot this be a limited authorization? Even with a limited authorization, civil decisions will not always suit a man's private judgement. But if subjects previously set limits on what may be decided, then what they judge most evil will be proscribed. The problem arises, however, in how these limits may be agreed upon. Given the diversity in the private judgements of the parties to the covenant, how could agreement on their content be arrived at? It was because of the centrifugality of their private wills that a public will, in the form of a Sovereign Power,[21] was originally required. If the subjects authorize the sovereign to set the limits,

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20. This theory of authorization also operates in non-political associations. If men are to concert their efforts in a common project, they must agree to a decision-making procedure and then abide by the decisions that are made.

21. Although this is not the issue I am addressing, there is still the problem of how the limits to authorization could be enforced without another common power to oversee the Sovereign's abidance by them.

this is indistinguishable from absolute authorization. The force of any supposedly overriding constitution must proceed from the Sovereign's own will to restrain himself by its injunctions, in which case it is once again a law of his own making and possible unmaking.

Though it makes no sense on Hobbes' theory of the Right of Nature, natural right might be used to limit Sovereign authority. Here, natural right would be argued to entitle men to specific liberties or treatment in civil society. The same problem of disagreement arises if the content of these natural rights is to proceed from the judgements of the subjects. If the Sovereign introduces principles of law justified on the basis of natural right, these are the same as all legal rights, in being subject to his continued proclamation.

Our uneasiness with the authorization of absolute rule arises from the fear that we may be badly treated by Sovereign authority and must, nonetheless, admit to having authorized the act. Limited authorization would legitimize our dissent, as citizens, when the restrictions are overstepped. In Hobbes' theory, the Right of Nature exists as the limit to men's civil obligation. This right is not, however, a limit on the Sovereign Power. Whatever the Sovereign does to a subject can be no injustice to him, by the latter's absolute authorization of the Sovereign's acts.[22] The Right of Nature

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22. Leviathan, XXI.264, 265.

thus limits men's civil obligation without allowing the subject to condemn the acts which prompted its enactment. Moreover, by invoking the Right, the person's tie of citizenship with the state is severed. There is, then, cause for ambivalence about possessing such a Right instead of having made agreement, with the other parties to the contract, to set particular limits to the authorization of the Sovereign Power. Even if these limits could not be enforced, their breach would legitimize dissent as a violation of the original terms of the political covenant. The victory in the injustice that could be claimed would, however, be at the cost of the autonomy of private judgement in specifying, for oneself, the limits to one's civil obligation. Hobbes' Right of Nature is not translatable into publicly agreed upon liberties to specific things. For this Right is the liberty to judge what is required for one's good, as it is continually defined in relation to one's own particular nature and passions.

V.3 Conclusion

My ambivalence about Hobbes' political theory arises in the equality in private judgement, postulated alongside his absolute theory of rule. If the equal capacity of men for rational self-determination is to be granted, however, then the problem of uniting their divergent wills, for their mutual assistance and safety, must be acknowledged. Without the homogeneity in beliefs arising from unreflective acquiesence

to custom, superstition or ethical prejudice, a common political will must be devised. Hobbes contrived this political will through men's absolute authorization of a Sovereign Power. Our reluctance to make this authorization absolute stems from the fear that we shall then be authoring and therefore willing civil laws to which we would never have desired to be bound. If limits were set on the terms of the original authorization, then Sovereign acts which an individual judges seriously harmful to him cannot, at least, be said to proceed from his will. Devising these limits was, however, shown problematic, stemming from the diversity in men's private judgements, and the trade-off required in losing the autonomy to judge individually the limits to one's civil obligation.

Absolute or not, Hobbes did not intend his theory of authorization to provoke discussion of how a person may legitimately dissent from being ruled. He intended his writings to provide men with sound instruction on how to craft a body politic which each person could judge conducive to his good. Part of this instruction was directed toward the subjects in persuading them to acknowledge each other as equals and, as equals, to enter into terms of peace. For their part, the attention of Sovereigns to the natural equality of men, in their capacity for private judgement, would hopefully dispose them to the equitable treatment of subjects and the greatest degree of liberty consistent with

peace. Hobbes ends Part II of Leviathan with the hope that his writing on the "Science of Natural Justice" will sometime fall into the hands of a Sovereign Power, who will "convert this Truth of Speculation, into the Utility of Practice".[23] The Sovereign Power possesses the coercive force amalgamated by the laid aside right of the entire citizenry. As a subject, Hobbes must have seen his stake in instructing Sovereigns on matters of equity and liberty, such that the Right of Nature need never be invoked.

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23. Ibid., XXI.407, 408.

SELECTED BIBLIOGRAPHY

Brown, K. C. (ed.) Hobbes Studies. Oxford: Basil Blackwell, 1965.

Carmichael, D. J. C. "The Right of Nature in Leviathan," Paper presented at the annual general meetings of the Canadian Political Science Association: Ottawa, June 1982.

Christi, F. R. "Hegel and Roman Liberalism". Paper presented in a Department of Political Science Research Seminar at the University of Alberta, May 1984.

Coleman, Frank. Hobbes and America. Toronto: University of Toronto Press, 1977.

Gauthier, David. The Logic of Leviathan. Oxford: Oxford University Press, 1969.

Hart, H. L. A. "Are There Any Natural Rights?". The Philosophical Review, Vol. LXIV (April 1955), 175-191.

Hobbes, Thomas. The Citizen. In Man and Citizen, ed. by Bernard Gert. Gloucester, Mass.: Anchor Books, 1972.

Hobbes, Thomas. The Elements of Law. Ferdinand Tonnies, ed. New York, New York: Cambridge University Press, 1969.

Hobbes, Thomas. Leviathan. C. B. Macpherson, ed. Hammondsworth, Middlesex: Penguin Books, 1968.

Hobbes, Thomas. On Man. In Man and Citizen, ed. by Bernard Gert. Gloucester, Mass.: Anchor Books, 1972.

Laird, John. Hobbes. London: E. Benn, 1934.

Mace, George. Locke, Hobbes and the Federalist Papers. Carbondale: Southern Illinois University Press, 1979.

Macpherson, C. B. The Political Theory of Possessive Individualism. Oxford: Oxford University Press, 1962.

Mathie, William. "Rhetoric and Rationality in Hobbes' Leviathan". Paper presented at the Canadian Political Science Association Annual General Meeting: Montreal, June 1980.

McNeilly, F. S. The Anatomy of "Leviathan". London: Macmillan, 1968.

Oakeshott, Michael. Hobbes on Civil Philosophy. Oxford: Oxford University Press, 1975.

Plamenatz, John. Man and Society, I. London: Longman, 1963.

Raphael, D. D. Hobbes: Morals and Politics. London: George Allen and Unwin, 1977.

Strauss, Leo. The Political Philosophy of Hobbes. Chicago: The University of Chicago Press, 1936.

Taylor, A. E. "The Ethical Doctrine of Hobbes". Philosophy, xiii,1938.

Warrender, Howard. The Political Philosophy of Hobbes. Oxford: The Clarendon Press, 1957.

Watkins, J. W. N. Hobbes's System of Ideas, 2nd ed. London: Hutchinson and Co., 1973.